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TITLE 7—AGRICULTURE

Chapter VIII—Production and Marketing Administration (Sugar Branch)

PART 802—SUGAR DETERMINATIONS

FAIR AND REASONABLE PRICES FOR 1946 AND 1947 CROPS OF SUGAR BEETS

Pursuant to the provisions of section 301 (d) of the Sugar Act of 1937, as amended, and after investigation and due consideration of the evidence obtained at the several public hearings held with respect to the 1946 and 1947 sugar beet crops, the following determination is hereby issued:

§ 802.12g *Fair and reasonable prices for the 1946 and 1947 crops of sugar beets.* Fair and reasonable prices for the 1946 and 1947 crops of sugar beets shall be not less than those provided for in the purchase contracts between the producers and producer-processors with respect to each of such crops. (Sec. 301, 50 Stat. 909; 7 U. S. C. 1131)

Issued this 10th day of March 1947.

[SEAL] CLINTON P. ANDERSON, *Secretary.*

[F. R. Doc. 47-2397; Filed, Mar. 13, 1947; 8:46 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

DELEGATION OF AUTHORITY

Title 8, Chapter I, Code of Federal Regulations is amended as hereinafter provided.

PART 1—GENERAL INFORMATION REGARDING THE IMMIGRATION AND NATURALIZATION SERVICE

1. Paragraph (d) of § 1.42 *Final authority; delegation to Commissioner* (11 F. R. 177A-111) is amended by deleting the language "7th or".

2. Section 1.44 (d) is amended so that taken with the introductory sentence it will read as follows:

§ 1.44 *Final authority; delegation to Assistant Commissioner for Adjudications.* The final authority of the Attorney General or the Commissioner delegated to the Assistant Commissioner for Adjudications includes determinations involving the following:

* * * * *

(d) Applications to import skilled labor if labor of like kind cannot be found unemployed in the United States (Sec. 3, 39 Stat. 875; 8 U. S. C. 136 (h));

PART 90—DEPARTMENTAL ORGANIZATION AND AUTHORITY

Paragraph (a) of 90.3 (10 F. R. 8096) is amended by changing subparagraphs (4) and (8) and by adding subparagraph (9), so that taken with the introductory sentence those three subparagraphs will read as follow:

§ 90.3 *Board of Immigration Appeals; powers.* (a) Subject to the provisions of § 90.12, the Board of Immigration Appeals in behalf of the Attorney General shall have authority to consider and determine cases involving:

* * * * *

(4) All applications for admission under the 7th proviso to section 3 of the Immigration Act of 1917; and those applications for admission under the 9th proviso to the same section where the applicants have been convicted of crimes rendering them inadmissible to the United States; but in both those types of cases the Commissioner shall enter a proposed order prior to the submission of the case to the Board of Immigration Appeals.

* * * * *

(8) All cases, whether in deportation, exclusion, or preexamination, in which the Commissioner has entered an order granting relief less favorable than that requested by the subject of the proceeding.

(9) Applications for preexamination where the applicants are of the class prescribed in § 142.1 (c) of this chapter and the Commissioner has entered a proposed order.

PART 124—ALIEN CONTRACT LABORERS

Part 124 is amended in the following respects:

1. Section 124.5 (8 CFR and Cum. Supp., 9.5, 124.5) is amended to read as follows:

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FEDERAL REGISTER

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CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such in parentheses.

CODIFICATION GUIDE—Con.

§ 124.5 *Application to import skilled labor; procedure.* The officer in charge shall conduct a thorough investigation of the application made under § 124.4 and shall forward two copies each of the application, of the accompanying affidavits, and of the report of the investigation, together with his recommendations, to the Commissioner for consideration and decision. Counsel may be employed in connection with such cases before the officer in charge, or the Commissioner, or both, but all evidence shall be submitted to and investigated by the officer in charge. (Sec. 3, 39 Stat. 875; 8 U. S. C. 136 (h))

2. Section 124.6 (8 CFR and Cum. Supp. 9.6, 124.6) is amended by deleting the words "Attorney General" in the first sentence and inserting in their stead the word "Commissioner".

NOTE: By virtue of the transfer of the Immigration and Naturalization Service from the Department of Labor to the Department of Justice (Reorganization Plan V, effective June 14, 1940), the word "Secretary" appearing in § 124.6 connotes "Attorney General".

3. Section 124.7 is amended by deleting the word "Department" in the first sentence and inserting in its stead the word "Commissioner".

PART 142—PREEXAMINATION OF ALIENS WITHIN THE UNITED STATES

Section 142.5 is amended to read as follows:

§ 142.5 *Preexamination; authorization.* Subject to the limitations stated in § 90.3 (a) (9) of this chapter, the Commissioner or a designated official in the Central Office shall have authority to authorize the preexamination of any alien eligible under the provisions of §§ 142.1 and 142.2.

This order shall become effective on the day of publication in the FEDERAL REGISTER. The requirements of section 4 of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 238) as to notice of proposed rule making and delayed effective date are inapplicable for the reason that this order pertains to organization—more particularly to delegation of authority.

(R. S. 161, 360, sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, 50 Stat. 164, 53 Stat. 1425, sec. 37 (a), 54 Stat. 675, sec. 327, 54 Stat. 1150, 54 Stat. 1238, 55 Stat. 736; 5 U. S. C. 22, 311, 8 U. S. C. and Sup., 102, 457, 458, 727)

TOM C. CLARK,
Attorney General.

Recommended: February 17, 1947.

UGO CARUSI,
Commissioner of Immigration and Naturalization.

[F. R. Doc. 47-2395; Filed, Mar. 13, 1947; 11:52 a. m.]

PART 165—FORMAL PETITIONS AND APPLICATIONS

EXTENSION OF TEMPORARY STAY

FEBRUARY 27, 1947.

Part 165, Chapter I, Title 8, Code of Federal Regulations is hereby amended by inserting a new section as follows between § 165.13 and § 165.14:

§ 165.13a *Final authority of district directors to deny applications for extension of stay filed by aliens admitted for 29 days or less.* Notwithstanding the requirement in § 165.13 that certain cases be forwarded to the Central Office for decision, the district director shall have final authority to deny applications for extension of stay filed by aliens admitted to the United States for a period of 29 days or less under section 3 (2) or 3 (3) of the Immigration Act of 1924 (43 Stat. 154; 8 U. S. C. 203). Extensions of stay shall be granted to such aliens only in emergent or other extraordinary cases. (Sec. 15, 43 Stat. 162; 8 U. S. C. 215).

This order shall become effective on the day of its publication in the FEDERAL REGISTER. The requirements of section 4 of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 238) as to notice of proposed rule making and delayed effective date are inapplicable for the reason that this order pertains to organization—more particularly to delegation of authority.

(Sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, sec. 37 (a), 54 Stat. 675; 8 U. S. C. 102,

222, 458; sec. 1, Reorg. Plan No. V, 3 CFR, Cum. Supp., Ch. IV, 8 CFR, 1943 Supp., 90.1)

UGO CARUSI,
Commissioner of Immigration and Naturalization.

Approved: March 8, 1947.

TOM C. CLARK,
Attorney General.

[F. R. Doc. 47-2396; Filed, Mar. 13, 1947; 8:46 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter XI—Office of Temporary Controls, Office of Price Administration

PART 1351—FOOD AND FOOD PRODUCTS

[RMPR 291,[1] Incl. Amdts. 1-12]

CERTAIN SYRUPS AND MOLASSES

This compilation of Revised Maximum Price Regulation 291 includes Amendment 12, effective March 18, 1947. Deletions and amendments by Amendment 12 are indicated by notes and underscoring.

In the judgment of the Administrator, the maximum prices established by this Revised Maximum Price Regulation are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended. Such specifications and standards as are used in this regulation were, prior to such use, in general use in the trade or industry affected.

A statement of the considerations involved in the issance of this revised regulation has been issued simultaneously herewith and has been filed with the Division of the Federal Register.[2]

§ 1351.1351 *Maximum prices for certain syrups and molasses.* Under the authority vested in the Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250, and 9328, Revised Maximum Price Regulation No. 291 (Certain syrups and molasses) which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1351.1351 issued under 56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; Pub. Laws 108 and 548, 79th Cong.; E. O. 9250, 7 F. R. 7871; E. O. 9328, 8 F. R. 4681; E. O. 9599, 10 F. R. 10155; E. O. 9651, 10 F. R. 13487; E. O. 9697, 11 F. R. 1691; E. O. 9809, 11 F. R. 14281.

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6. Maximum prices for commercial cane syrup.
7. Maximum prices for country cane syrup.

[1] 8 F. R. 16508.

[2] Statements of the considerations are also issued simultaneously with amendments. Copies may be obtained from the Office of Price Administration.

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8. Maximum prices of packers for blends of syrups containing at least 5% country cane syrup by volume.
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ARTICLE I—SCOPE OF REGULATION

SECTION 1. *Kinds of syrups and molasses covered by this regulation.* (a) Cane syrup is the juice of sugar cane clarified and evaporated to a density of not less than 39 degrees Baumé at 20 degrees Centigrade and contains not more than 2.5 per cent ash. It may or may not contain sulphur dioxide, used as a clarifying and bleaching agent.

Commercial cane syrup. Commercial cane syrup is "cane syrup" produced in a mill which at this time is, or which during the cane grinding season of 1941 was, equipped with machinery to manufacture sugar.

[Paragraph (a) amended by Am. 1, 9 F. R. 795, effective 1-26-44]

(b) *Country cane syrup.* Country cane syrup is "cane syrup" completely produced in a mill which at this time is equipped for the production of cane syrup exclusively and which is not now, and was not during the cane grinding season of 1941 equipped with machinery to manufacture sugar.

[Paragraph (b) amended by Am. 1, 9 F. R. 795, effective 1-26-44 and Am. 5, 9 F. R. 14429, effective 12-13-44]

(c) *Blends of syrup containing country cane syrup.* Blends of syrup containing country cane syrup are blends which contain at least 5% by volume of "country cane syrup" as defined in paragraph (b) above.

(d) *First molasses and second molasses.* First molasses and second molasses are known as "high grade molasses" and are the products which remain after extraction of sugar from the clarified and concentrated juice of domestically produced sugar cane before the extraction of all commercially available sucrose.

(1) First molasses is distinguishable from second molasses by its characteristic light color and mild flavor and is customarily produced by one extraction of sugar in the manufacturing process.

(2) Second molasses (including boilback) is the product remaining from the juice of sugar cane after more than one extraction of sugar but before the extraction of all commercially available sugar. It is distinguishable from first molasses by its darker color and more pronounced molasses flavor.

(e) [Deleted]

[Paragraph (e) added by Am. 3, 9 F. R. 3647, effective 4-8-44 and deleted by Am. 12, effective 3-18-47]

SEC. 2. *Prohibition against sales above maximum prices.* (a) On and after December 11, 1943, or the effective date as to any amendment or revision regardless of any contract, agreement or other obligation, no person shall sell or deliver syrups or molasses specified in this regulation and no person shall in the course of trade or business buy or receive such syrups or molasses at prices higher than the maximum prices set forth in this regulation.

(b) No person shall agree, offer, solicit, or attempt to do any of the foregoing.

(c) The provisions of this section shall not be applicable to sales or deliveries of syrups or molasses specified in this regulation to a purchaser, if prior to the date when the same became effective for such syrup or molasses, it has been received by a carrier, other than a carrier owned or controlled by the seller, for shipment to such purchaser.

(d) Where a packer during the year prior to March 1, 1942, customarily paid a premium above the prevailing market price for an item of syrup or molasses which is now subject to this regulation because it had a special quality of flavor or other attribute by reason of a special process in manufacturing such item, he may apply to the Office of Price Administration, Office of Temporary Controls, Washington, D. C., for an order permitting him to continue to pay and the seller to collect the established premium above the maximum prices set forth herein for such item of syrup or molasses: *Provided, however,* That he shall neither increase nor apply for an increase in the maximum prices set forth herein or in any other regulation for such item of syrup or molasses or anything made or manufactured from it, because of paying such premium.

(e) Lower prices than the maximum established by this regulation may be charged, demanded, paid or offered.

(f) The specific maximum prices established in this regulation shall not be increased by any charges for the extension of credit or by commissions or any other charges and they shall be reduced by all customary discounts and other allowances including those for prompt payment.

[Paragraph (f) added by Am. 1, 9 F. R. 795, effective 1-26-44]

(g) Customary differentials for sales of larger or smaller quantities than those for which maximum prices are specified

in this regulation or for classes of purchasers other than those specified shall be continued.

[Paragraph (g) added by Am. 2, 9 F. R. 2562, effective 3–11–44]

SEC. 3. *Geographical applicability.* The provisions of this Revised Maximum Price Regulation No. 291 shall be applicable to the 48 states of the United States and the District of Columbia.

SEC. 4. *Export sales.* The maximum prices at which a person may export syrups and molasses shall be determined in accordance with the Third Revised Maximum Export Price Regulation,[3] as amended, issued by the Office of Price Administration.

[Sec. 4 amended by Am. 10, 11 F. R. 13583, effective 11–18–46]

SEC. 5. *Exempt sales.* The following sales are exempt from this regulation.

(a) Sales of commercial and country cane syrup and blends of country cane syrup sold at wholesale and retail and covered by Maximum Price Regulations Nos. 421,[4] 422,[5] and 423,[6] respectively.

ARTICLE II—MAXIMUM PRICES

SEC. 6. *Maximum prices for commercial cane syrup*—(a) *Producers' maximum prices for commercial cane syrup.* (1) A "producer of commercial cane syrup" means any person who produces "commercial cane syrup" as defined in this regulation. Maximum prices for sales by "producers of commercial cane syrup" to all classes of purchasers shall be:

$0.45 per gallon, net, f. o. b. producer's mill or factory in tank cars or tank trucks supplied by the buyer.

$0.45½ per gallon, net, f. o. b. producer's mill or factory in barrels or half-barrels supplied by the buyer.

[Subparagraph (1) amended by Am. 1, 9 F. R. 795, effective 1–26–44 and Am. 10, 11 F. R. 13583, effective 11–18–46]

(2) The term "barrel" used in this section means a wooden container for liquids having a capacity of approximately 55 gallons. The term "half-barrel" used in this section means a wooden container for liquids having a capacity of approximately 33 gallons. The term gallon in this section means a standard U. S. gallon.

(b) *Packers' maximum prices for commercial cane syrup.* "Packer of commercial cane syrup" means any person who purchases and packs or repacks commercial cane syrup for sale to the wholesale and chain store warehouse trade and to commercial, industrial and governmental users.

(1) Packers' maximum prices at the factory for bulk sales of commercial cane syrup in tank cars, barrels, or other large containers, shall be:

$0.50 per gallon in tank cars furnished by the seller.

$0.64 per gallon in barrels furnished by the seller.

$0.68 per gallon in half-barrels furnished by the seller.

$0.72 per gallon in 10-gallon cans furnished by the seller.

$0.74 per gallon in 5-gallon cans furnished by the seller.

(2) Packers' maximum prices at the factory for commercial cane syrup packaged in cases for sales in less than carload lots shall be:

$3.74 per case of 6 No. 10 cans.
$3.99 per case of 12 No. 5 cans.
$4.24 per case of 24 No. 2½ cans.
$4.70 per case of 48 No. 1½ cans.
$3.59 per case of 36 No. 1½ cans.
$2.41 per case of 24 No. 1½ cans.
$3.18 per case of 24 No. 2 cans.

(3) The prices set forth in this paragraph (b) shall also apply to commercial cane syrup which has been enriched by the addition of cane sugar syrup.

[Paragraph (b) amended by Am. 1, 9 F. R. 795, effective 1–26–44 and Am. 10, 11 F. R. 13583, effective 11–18–46]

(c) *Packers' maximum delivered prices for commercial cane syrup.* Packers' maximum delivered prices for commercial cane syrup shall be the prices listed in the preceding paragraph (b), plus the freight actually paid up to but not in excess of the lowest available freight rate from New Orleans, Louisiana, to point of destination. In no case shall the purchaser be required to pay more than the packers' factory price plus the lowest available freight rate from New Orleans to point of destination.

(d) *Producer-packers' maximum prices for commercial cane syrup.* (1) "Producer-packer of commercial cane syrup" means only those persons who produce their own commercial cane syrup and pack it in barrels or smaller packages for sale to the wholesale and chain store warehouse trade and to commercial, industrial or governmental users.

(2) A producer-packer shall determine his maximum price for commercial cane syrup with respect to which he performs the functions of a packer in accordance with the provisions of sections 6 (b) and 6 (c) above, except that sales to packers shall be at producers' maximum prices.

(3) A producer-packer shall determine his maximum price for sales of commercial cane syrup with respect to which he performs the functions of a producer in accordance with the provisions of section 6 (a) above.

[Paragraph (d) amended by Am. 10, 11 F. R. 13583, effective 11–18–46]

(e) [Revoked]

[Paragraph (e) revoked by Am. 1, 9 F. R. 795, effective 1–26–44]

SEC. 7. *Maximum prices for country cane syrup*—(a) *Producers' maximum prices for country cane syrup.* (1) A "producer of country cane syrup" means any person who produces country cane syrup as defined in this regulation. Maximum prices for sales by producers of country cane syrup to all classes of purchasers shall be:

$0.78 per Georgia gallon, net, f. o. b. accumulator's shipping point in barrels supplied by the seller for highest grade, A–1 syrup.

$0.75 per Georgia gallon, net, f. o. b. accumulator's shipping point in barrels supplied by the seller for 2d grade, No. 1 syrup.

$0.68 per Georgia gallon, net, f. o. b. accumulator's shipping point in barrels supplied by the seller for 3d grade, No. 2 syrup.

[Subparagraph (1) amended by Am. 1, 9 F. R. 795, effective 1–26–44 and Am. 9, 11 F. R. 13489, effective 11–14–46]

(2) Highest grade A–1 Country cane syrup is that country cane syrup which has (1) good body, (2) good flavor, (3) good color, and (4) is free from dregs. If one of these qualities is lacking, it is 2d grade or No. 1 syrup. If two of these qualities are lacking, it is 3d grade or No. 2 syrup.

(3) The term "barrel" used in this section means a wooden container for liquids having a capacity of approximately 35 gallons.

(4) A Georgia gallon at 39 degrees Baumé at 20 degrees centigrade weighs 10.847 pounds. A standard U. S. Gallon of country cane syrup at 39 degrees Baumé at 20 degrees centigrade is equal to 1.05 Georgia gallons of country cane syrup. The trade practice of gauging the content of a barrel by dividing the gross weight of the barrel by the numeral 12 is allowed.

(b) *Accumulator's maximum prices for country cane syrup.* "Accumulator of country cane syrup" means any person who collects the barrels of cane syrup manufactured by country cane syrup producers for resale in original packages.

Accumulator's maximum prices for sales of country cane syrup to all classes of purchasers shall be:

$0.80 per Georgia gallon, net, f. o. b. accumulator's shipping point in barrels supplied by the seller, for highest grade, A–1 syrup.

$0.77 per Georgia gallon, net, f. o. b. accumulator's shipping point in barrels supplied by the seller, for 2d grade, No. 1 syrup.

$0.70 per Georgia gallon, net, f. o. b. accumulator's shipping point in barrels supplied by the seller for 3d grade, No. 2 syrup.

[Paragraph (b) amended by Am. 9, 11 F. R. 13489, effective 11–14–46]

(c) *Packers' maximum prices for country cane syrup.* "Packer of country cane syrup" means any person who customarily repacks or reloads "country cane syrup" with or without processing, mixing or blending.

(1) Packers' and producer-packers' (as to portion packed by producer) maximum prices for country cane syrup delivered to the customary receiving point of the buyer in the southern zone shall be as follows:

$5.67 per case of 6 No. 10 cans.
$5.92 per case of 12 No. 5 cans.
$6.17 per case of 24 No. 2½ cans.
$6.60 per case of 48 No. 1½ cans.
$4.51 per case of 24 No. 2 cans.
$3.35 per case of 24 No. 1½ cans.

The "southern zone" includes the states of Georgia, Alabama, Florida, North Carolina and South Carolina.

[Subparagraph (1) amended by Am. 2, 9 F. R. 2562, effective 3–11–44; Am. 5, 9 F. R. 14429, effective 12–13–44 and Am. 9, 11 F. R. 13489, effective 11–14–46]

[3] 11 F. R. 9069, 10291, 11696, 12356.
[4] 11 F. R. 6081, 7041, 8646, 8968, 9684, 10655, 10430, 11198, 12178.
[5] 11 F. R. 6397, 6763, 7041, 8646, 8968, 9697, 10655, 10430, 11198, 12179.
[6] 11 F. R. 6420, 6764, 7041, 8646, 8968, 9685, 10655, 10430, 11198, 12180.

(2) Maximum prices for country cane syrup delivered in all places outside the "southern zone" for packers and producer-packers (as to portion packed by producer) located in the "southern zone" shall be the following f. o. b. Cairo, Georgia, prices, plus the lowest available freight rates on an identical quantity from Cairo, Georgia, to the point of destination. For packers located outside the "southern zone" the delivered maximum prices shall be the following, plus the freight actually paid up to, but not in excess of the lowest available freight rate from the packer's mill.

$5.42 per case of 6 No. 10 cans.
$5.67 per case of 12 No. 5 cans.
$5.92 per case of 24 No. 2½ cans.
$4.33 per case of 24 No. 2 cans.
$6.35 per case of 48 No. 1½ cans.
$3.22 per case of 24 No. 1½ cans.

All of the above prices in this paragraph (c) shall be for carload lots to the wholesale and chain store warehouse trade and to commercial, industrial, institutional, or governmental users.

[Subparagraph (2) amended by Am. 1, 9 F. R. 795, effective 1–26–44; Am. 2, 9 F. R. 2562, effective 3–11–44; Am. 5, 9 F. R. 14429, effective 12–13–44 and Am. 9, 11 F. R. 13489, effective 11–14–46]

(d) *Producer-packers' maximum prices for country cane syrup.* "Producer-packer of country cane syrup" means any producer who also customarily performs the function of a packer with or without processing, mixing or blending. A producer-packer shall determine his maximum price for country cane syrup with respect to which he performs the function of a producer under paragraph (a) of this section and for country cane syrup with respect to which he performs the function of a packer under the provisions of paragraph (c).

(e) [Revoked]

[Paragraph (e) revoked by Am. 1, 9 F. R. 795, effective 1–26–44]

(f) *Producer-packers' maximum prices for country cane syrup sold at wholesale and at retail.* (1) Producer-packers' maximum delivered prices for country cane syrup on sales directly to retail stores shall be as follows:

$6.21 per case of 6 No. 10 cans.
$6.49 per case of 12 No. 5 cans.
$6.77 per case of 24 No. 2½ cans.
$4.95 per case of 24 No. 2 cans.
$7.26 per case of 48 No. 1½ cans.
$3.68 per case of 24 No. 1½ cans.

(2) Producer-packers' maximum prices for country cane syrup on sales directly to retail stores when the purchaser takes delivery at the plant or farm shall be as follows:

$5.93 per case of 6 No. 10 cans.
$6.21 per case of 12 No. 5 cans.
$6.49 per case of 24 No. 2½ cans.
$4.75 per case of 24 No. 2 cans.
$6.98 per case of 48 No. 1½ cans.
$3.55 per case of 24 No. 1½ cans.

(3) Producer-packers' maximum delivered prices for country cane syrup on sales directly to "domestic consumers" shall be as follows:

$6.99 per case of 6 No. 10 cans.
$7.31 per case of 12 No. 5 cans.
$7.63 per case of 24 No. 2½ cans.
$5.59 per case of 24 No. 2 cans.
$8.20 per case of 48 No. 1½ cans.
$4.16 per case of 24 No. 1½ cans.

"Domestic consumer" means a person who buys country cane syrup for personal use. The term does not include any industrial, commercial, governmental or institutional consumers.

(4) "Producer-packers'" maximum prices for country cane syrup on sales directly to "domestic consumers" when the purchaser takes delivery at the plant or farm, shall be as follows:

$6.67 per case of 6 No. 10 cans.
$6.99 per case of 12 No. 5 cans.
$7.31 per case of 24 No. 2½ cans.
$5.36 per case of 24 No. 2 cans.
$7.88 per case of 48 No. 1½ cans.
$4.01 per case of 24 No. 1½ cans.

[Paragraph (f) amended by Am. 1, 9 F. R. 795, effective 1–26–44 and Am. 9, 11 F. R. 13489, effective 11–14–46]

(g) Sellers (distributors, traders, truckers, etc.) who cannot be classified as wholesalers or retailers under the provisions of Maximum Price Regulations 421, 422 and 423 shall use the maximum prices set forth in section 7 (c) (1) and (2) and 7 (f) (1), (2), (3) and (4) to the same classes of buyers.

[Paragraph (g) added by Am. 5, 9 F. R. 14429, effective 12–13–44 and amended by Am. 6, 10 F. R. 199, effective 1–9–45]

SEC. 8. *Maximum prices of packers for blends of syrups containing at least 5% country cane syrup by volume.* A packer of blends containing country cane syrup means any person who customarily stores, repacks or reloads various syrups and blends or mixes them with country cane syrup with or without processing the component syrup.

(a) Packers' maximum prices for delivery to the customary receiving point of the buyer in the "southern zone" for blends of corn syrup and cane syrup including country cane syrup of the following percentages and containing not more than 5% by volume of sugar syrup shall be as follows:

Range No.	Per cent of country cane syrup in blend type	6 No. 10 cans	12 No. 5 cans	24 No. 2½ cans	48 No. 1½ cans	24 No. 1½ cans
1	At least 5 but not more than 10	$3.32	$3.57	$3.82	$4.07	$2.08
2	More than 10 but not more than 15	3.47	3.72	3.97	4.22	2.16
3	More than 15 but not more than 20	3.52	3.77	4.02	4.27	2.18
4	More than 20 but not more than 25	3.67	3.92	4.17	4.42	2.26
5	More than 25 but not more than 30	3.71	3.96	4.21	4.46	2.28
6	More than 30 but not more than 35	3.86	4.11	4.36	4.61	2.35
7	More than 35 but not more than 40	3.91	4.16	4.41	4.66	2.38
8	More than 40 but not more than 45	4.06	4.31	4.56	4.81	2.45
9	More than 45 but not more than 50	4.10	4.35	4.60	4.85	2.47
10	More than 50 but not more than 55	4.25	4.50	4.75	5.00	2.55
11	More than 55 but not more than 60	4.30	4.55	4.80	5.05	2.58
12	More than 60	4.56	4.81	5.06	5.31	2.71

(1) The "Southern Zone" includes the states of Georgia, Alabama, Florida, North Carolina and South Carolina.

[Paragraph (a) amended by Am. 5, 9 F. R. 14429, effective 12–13–44]

(b) Maximum prices for delivery to the customary receiving point of the buyer outside the "Southern Zone," for packers located in the "Southern Zone," for blends of corn syrup and cane syrup, including country cane syrup, of the following percentages, and containing not more than 5% by volume of sugar syrup, shall be the following, f. o. b. Cairo, Georgia prices, plus the lowest available freight rate on an identical quantity from Cairo, Georgia, to the point of destination. For packers located outside the "Southern Zone," the maximum prices, delivered to the customary receiving point of the buyer outside the "Southern Zone," shall be the following, plus the freight actually paid up to but not in excess of the lowest available freight rate from the packer's mill to the point of destination.

[Above paragraph amended by Am. 7, 10 F. R. 5036, effective 5–9–45]

Range No.	Percent of country cane syrup in blend type	6 No. 10 cans	12 No. 5 cans	24 No. 2½ cans	48 No. 1½ cans	24 No. 1½ cans
1	At least 5 but not more than 10	$3.07	$3.32	$3.57	$3.82	$1.95
2	More than 10 but not more than 15	3.22	3.47	3.72	3.97	2.03
3	More than 15 but not more than 20	3.27	3.52	3.77	4.02	2.05
4	More than 20 but not more than 25	3.42	3.67	3.92	4.17	2.13
5	More than 25 but not more than 30	3.46	3.71	3.96	4.21	2.15
6	More than 30 but not more than 35	3.61	3.86	4.11	4.36	2.22
7	More than 35 but not more than 40	3.66	3.91	4.16	4.41	2.25
8	More than 40 but not more than 45	3.81	4.06	4.31	4.56	2.32
9	More than 45 but not more than 50	3.85	4.10	4.35	4.60	2.34
10	More than 50 but not more than 55	4.00	4.25	4.50	4.75	2.42
11	More than 55 but not more than 60	4.05	4.30	4.55	4.80	2.45
12	More than 60	4.31	4.56	4.81	5.06	2.58

(c) *Packers' maximum prices for blends of country cane syrup containing additional ingredients other than commercial cane syrup and corn syrup.* Packers may determine maximum prices for blends containing country cane syrup of the percentages set out above and additional ingredients other than commercial cane syrup and corn syrup by calculations as follows:

(1) If the blend contains more than 5% of sugar syrup the packer may add to the maximum price established for each range number in paragraphs (a) and (b) above a sum which is equal to the exact difference between the "cost" to him of the sugar syrup above 5% in the blend and an equal volume of corn syrup.

(i) "Cost" as used in this paragraph shall mean the highest legal price paid by a packer for his most recent purchase

of a customary quantity of either corn syrup or the other ingredient or ingredients which he is packing in the blend. Such "cost" shall be his delivered "cost" at his plant or factory. If the packer customarily purchased any of the above mentioned items otherwise than delivered to his plant or factory he shall determine his delivered "cost" by adding the transportation charges actually paid for delivering such item to his factory or plant at a rate not to exceed the lowest available freight rate to the f. o. b. price he paid for the item.

(2) If the packer packs a blend containing country cane syrup and any ingredient other than those provided for above, he shall add to or subtract from the maximum price established for each range number in paragraphs (a) and (b) above, the exact difference between the "cost" to him of such other ingredient and an equal volume of corn syrup and establish the maximum price for each range number listed above, pursuant to such addition or subtraction.

(3) Once the packer has determined his maximum price for any blend pursuant to (1) and (2) above, he shall not change such price except for manifest clerical error without written consent of the Office of Price Administration.

(4) [Revoked]

[Subparagraph (4) revoked by Am. 7, 10 F. R. 5036, effective 5-9-45]

(d) All of the above prices in this section 8 shall be for carload lots to the wholesale and chain store warehouse trade, and to commercial, industrial, institutional or governmental users.

[Paragraph (d) amended by Am. 1, 9 F. R. 795, effective 1-26-44]

(e) *Change of percentage of country cane syrup in blend resulting in a change of range number and price.* Whenever a packer desires to change the range number within which an established blend of syrup which he is packing falls by increasing or decreasing the amount of country cane syrup in the blend, he shall proceed as follows:

(1) If he wishes to increase the amount of country cane syrup in the blend so that the new blend comes within one of the higher range numbers established in paragraph (a) or (b) of this section and consequently commands a higher maximum price he must increase the total percentage of country cane syrup in the blend by not less than 5% by volume, for each higher range number pursuant to which he wishes to price the new blend. This increase in the percentage of country cane syrup shall be over and above the amount of country cane syrup which he packed in each blend of syrup on or prior to the 2d day of March 1943 and which he reported to the Office of Price Administration pursuant to paragraph (f) of this section.

Example 1: If a packer at or prior to the 2d day of March 1943, packed a blend in Range 4, containing 23% of country cane syrup and now desires to increase the amount of Georgia cane syrup in his blend so that he may price pursuant to Range No. 5—more than 25% but not more than 30%, he must add 5% to the 23% and pack a blend containing at least 28% of country cane syrup.

Example 2: If the above packer desires to go to Range No. 6—that is, a blend containing over 30% but not more than 35%, he must add 10% to the 23% and pack a blend containing at least 33% of Georgia cane syrup.

(2) If he wishes to decrease the amount of country cane syrup in the blend, so that the new blend comes within one of the lower range numbers and consequently commands a lower maximum price, he may not decrease the total percentage of country cane syrup in the blend by more than 5% by volume for each lower range number pursuant to which he wishes to price the new blend. This decrease shall be below the amount of country cane syrup which he has packed in each blend of syrup on or prior to the 2d day of March 1943 and which he has reported to the Office of Price Administration pursuant to paragraph (f) of this section.

Example 1: If a packer at or prior to the 2d day of March 1943, packed a blend in Range 4, containing 23% syrup and now wishes to decrease the amount of country cane syrup in the blend so that he is required to price pursuant to Range 3—more than 15% but not more than 20% of country cane syrup, he may not reduce the amount of country cane syrup in the blend more than 5% and must put at least 18% of country cane syrup, by volume, in his blend.

Example 2: If the above packer desires to change the above 23% blend and price his new blend pursuant to Range No. 2—that is, a blend containing more than 10% but not more than 15% of country cane syrup, he may not reduce the percentage of country cane syrup in the new blend more than 10% and must put at least 13% of country cane syrup, by volume, in his new blend.

(3) In no event shall a packer who increases the percentage of country cane syrup in his blend and prices the new blend pursuant to subparagraph (1) of this paragraph, increase the blend by less than the amount provided in said subparagraph. The increase so provided shall determine the minimum amount of country cane syrup in the blend. If he desires to alter the percentage of country cane syrup in the blend he is now pricing pursuant to subparagraph (1) to insure uniformity, he shall do so only by increasing the amount of country cane syrup, but may never decrease it. If he adds less than the percentage of country cane syrup provided in subparagraph (1), he may not increase his maximum price despite the fact that such increase may actually bring the blend within the higher range specified in paragraphs (a) and (b) of this section.

(4) In no event shall a packer who decreases the amount of country cane syrup in his blend and prices pursuant to a lower number range decrease the percentage of country cane syrup by more than 5% for each lower range to which he goes. The decrease so provided shall determine the minimum amount of country cane syrup in the blend. If he desires to alter the amount of country cane syrup in the blend he is now pricing pursuant to subparagraph (2) to insure uniformity, he may do so by increasing the amount of country cane syrup but may never decrease it. If he decreases the percentage by more than 5% per range, he shall be deemed to have decreased it by 10% and be required to price at the next lower range than the one in which the percentage of country cane syrup in the blend actually places it.

(f) *Reports.* Within 30 days after the 2d day of March 1943 or within 30 days after a person starts packing any blend of syrup containing country cane syrup, he shall report to the Price Branch, Sugar Department, Office of Price Administration, Office of Temporary Controls, Washington 25, D. C., the exact percentage by volume of all syrups which he packed in each of his blends on the 2d day of March 1943 or prior thereto when he last packed such blend, or if he did not pack country cane syrup in blends at that time or prior thereto, the exact percentage by volume of all syrups in each blend when he began packing such blends.

(1) Any packer who desires to change the percentage of country cane syrup pursuant to paragraph (e) of this section, shall report to the Price Branch, Sugar Department, Office of Price Administration, Office of Temporary Controls, Washington 25, D. C., at or prior to the time that he first makes such change in his blend, (1) the brand name and percentage of country cane syrup in the blend from which he is changing, (2) the amount of country cane syrup in that blend on the 2d day of March 1943, which he reported pursuant to this paragraph (f), (3) the amount of country cane syrup which he now intends to pack in the blend, and (4) a statement that he has complied with the provisions of paragraph (e) of this section.

[Subparagraph (1) amended by Am. 1, 9 F. R. 795, effective 1-26-44]

(2) Any packer who established maximum prices pursuant to paragraph (c) of this section, shall complete and mail or otherwise deliver at or before the time of his first delivery, to each purchaser of such blends of syrup a notice to read as follows:

Our new maximum price for ---------- brand of syrup is $--- per case of --- (delivered in the southern zone f. o. b. Cairo, Georgia). This maximum price is authorized by the Office of Price Administration, Office of Temporary Controls, and has been established pursuant to section 8 (c) of Revised Maximum Price Regulation No. 291.

(g) [Revoked]

[Paragraph (g) revoked by Am. 1, 9 F. R. 795, effective 1-26-44]

SEC. 8a. *Sales of blends of syrups by packers on and after August 30, 1946*—(a) *Maximum prices.* On and after December 6, 1946, a packer's maximum price for any item of a blend of syrups containing at least 5% country cane syrup by volume shall be:

[Above paragraph amended by Am. 11, 11 F. R. 14162, effective 12-6-46]

(1) His maximum price for that item as established under this regulation prior to August 30, 1946;

(2) Plus an amount calculated as follows:

(i) Determine the net weight of each pure syrup contained in the sales unit in pounds and fractions thereof;

(ii) Multiply each of the net weights found in (i) by the applicable amount set out in the following table:

Pure syrups:	Permitted increase per pound
Corn syrup	$0.0098
Commercial cane syrup	.0088
Country cane syrup	.0158
Maple syrup	.10
Second molasses	.9017
Direct consumption sugar, solid content	.0255
Liquid malt syrup	.0052
Refiners syrup, sugar solids content	.02

NOTE: The increase permitted for refiners syrup contained in an item applies only to the sugar solids content of the refiners syrup.

[Subparagraph (ii) amended by Am. 11, 11 F. R. 14162, effective 12-6-46]

(iii) Total the results obtained in (ii);

(iv) From the figure obtained in (iii) subtract $0.0017 per pound for each pound of first molasses, if any, contained in the item;

(3) Plus an additional amount of $0.0144 per pound for each pound or fraction thereof of corn syrup, but only during such time as corn is not subject to price control.

In the event that corn becomes subject to price control the ceiling price shall be the sum of paragraphs (1) and (2) above.

(b) *Notification of new maximum prices.* With the first delivery after December 6, 1946, of any item of a blend of syrup containing at least 5% country cane syrup by volume, in any case where a seller determines his maximum price pursuant to this section, and with the first delivery after any change in his maximum price, he shall:

[Above paragraph amended by Am. 11, 11 F. R. 14162, effective 12-6-46]

(1) Supply each wholesaler and retailer, subject to MPRs 421, 422 or 423 who purchases from him with written notice, reading as follows:

(Insert date)

NOTICE TO WHOLESALERS AND RETAILERS

Our OPA ceiling price for (describe item by kind, grade, brand and container type and size) has been changed by the Office of Price Administration. We are authorized to inform you that if you are a wholesaler or retailer pricing this item under MPRs 421, 422 or 423, you must refigure your ceiling price for this item on the first delivery of it to you from your customary type of supplier with this notification after (insert effective date of change in price). You must refigure your ceiling price following the rules in section 6 of MPR Nos. 421, 422 or 423, whichever is applicable to you.

For a period of 60 days after determining such maximum price and with the first shipment after the 60-day period to each person who has not made a purchase within that time, each seller shall include in each case, carton or other receptacle containing the item, the written notice set forth above, or securely attach it to the outside. However, for sales direct to any retailer, the seller may supply the notice by attaching it to, or stating it on, the invoice covering the shipment, instead of providing it with the goods.

(c) *Information to be filed.* Each packer who determines a price for any blend of syrup containing at least 5% country cane syrup by volume pursuant to this section 8a shall file the following information with the Price Branch, Sugar Department, Office of Price Administration, Office of Temporary Controls, Washington 25, D. C.:

(1) His maximum selling price for each item as determined under Revised Maximum Price Regulation 291 prior to August 30, 1946;

(2) The net weight of each kind of pure syrup contained in each item of blend of syrup containing at least 5% country cane syrup by volume which he sells, and, if any such item contains refiners syrup, the sugar solids content in pounds of such refiners syrup; and

[Subparagraph (2) amended by Am. 11, 11 F. R. 14162, effective 12-6-46]

(3) His new maximum selling price as determined pursuant to this section 8a.

This information is to be submitted on Form 6035-2877 (Revised) copies of which may be obtained from the Sugar Branch Office for the area in which his principal place of business is located. One copy of this report shall be filed on or before December 21, 1946.

[Above paragraph amended by Am. 11]

[Sec. 8a added by Am. 8, 11 F. R. 9526, effective 8-30-46 and amended as otherwise noted]

SEC. 9. *Maximum prices for syrups and molasses packed in containers other than tin cans*—(a) *Procedure for calculating maximum prices.* A person shall calculate his maximum price for an item of syrup or molasses, prices for which are specified as packed in tin cans in this regulation when packed in containers other than tin cans in the following manner:

[Above paragraph amended by Am. 2, 9 F. R. 2562, effective 3-11-44]

(1) Determine the size of the can container which is closest in net content to the container other than a tin can;

(2) Take the maximum price for the corresponding case of this size of container;

(3) Deduct from this maximum price the total cost of cans, case and labels;

(4) Divide the resulting figure by the number of units of contents (ounces, pounds, pints or the like) in the case;

(5) Multiply the resulting figure by the number of units of contents (ounces, pounds, pints or the like) in the case for which he is determining his price;

(6) Add to the figure obtained in (5) above the total cost of the new containers, case, labels, to obtain the maximum price for the case packed in the container other than a tin can, except as provided below:

(7) Where the container other than tin for which a person is calculating a maximum price is a glass container, the following sums may be added for direct packing labor costs:

(i) Not more than 4¢ per case for that size of glass container which corresponds in net volume to the No. 10 tin can, providing that the net contents of the case of glass containers is equal to or in excess of 5 gallons.

(ii) Not more than 4½¢ per case for those sizes of glass containers which correspond in net volume to the No. 5 can, the No. 2½ can, or the No. 1½ can respectively: *Provided*, That the net contents of the case of glass containers is equal to or in excess of 5 gallons.

(iii) Where the net contents of the case of glass containers is less than 5 gallons, not more than that portion of the sum allowed in (i) or (ii) above which is equal to the proportion which the net contents of the case of glass containers bears to 5 gallons.

Example 1: Where a packer now packs a 110 liquid ounce glass jar, 6 jars to the case, he may add 4¢ per case for direct labor because the 110 liquid ounce glass jar corresponds to the No. 10 tin can, and further six 110 ounce glass jars have a net content which is equal to or in excess of 5 gallons.

Example 2: Where a packer now packs a 55 liquid ounce glass jar, 12 jars to the case, he may add 4½¢ per case because the net content of the glass jar corresponds to the No. 5 tin can and the net content of the case is equal to or in excess of 5 gallons.

Example 3: Where a packer now packs a 13 liquid ounce glass jar, 24 jars to the case, he may add 2.1938¢ per case for direct packing labor costs. This sum is arrived at as follows: The 13 liquid ounce jar corresponds to the No. 1½ tin can. The packer is therefore permitted to add 4.5¢ per case for direct packing labor if the net contents of the case is equal to or exceeds 5 gallons or 640 liquid ounces. The net contents of the case can be determined by multiplying the net volume of one jar, 13 ounces, by the number of jars in the case, 24. Thus, $13 \times 24 = 312$ liquid ounces. This is less than 5 gallons or 640 liquid ounces. The packer is, therefore, entitled to only that part of 4.5¢ which is equal to the portion that the net contents of the case, 312 ounces, bears to 5 gallons, 640 ounces. To determine this portion, the packer must divide the net contents of the case by the number of liquid ounces in 5 gallons.

$$640 \overline{)312.0000} \quad .4875$$

The net contents of this case is .4875 of 5 gallons. The amount the packer is entitled to add for direct labor costs is equal to this portion of 4.5¢. Thus the packer multiplies .4875 by 4.5 ($.4875 \times 4.5 = 2.19375$) and gets the sum of 2.1938¢, the amount given above in the first sentence.

(8) The figure obtained by adding the allowance provided in (7) above to the figure resulting from (6) above, is the maximum price for the appropriate case packed in glass containers.

(9) All the above calculations shall be carried to the fourth decimal of a cent.

(b) *Fractions of a cent.* In determining the sales price for cases of such other containers, the seller shall adjust fractions of one-half cent or more to the next higher cent, and fractions of less than one-half cent to the next lower cent, but only in the final calculation.

(c) *Report of prices.* A person, within ten days after determining his maximum price under the provisions of this section, shall furnish to the Sugar Branch, Price Department, Office of Price Administration, Office of Temporary Controls, Washington 25, D. C., the following information in a signed statement:

(1) The kind, brand and grade of the item for which a maximum price is determined;

(2) The size of the newly priced container, the net content thereof by weight or volume, and the number of containers in the case;

(3) The size of the tin container used as a base, the net content thereof by weight or volume, and the number of containers in the case;

(4) The maximum price or prices determined for each class of purchasers to which he sells;

(5) The figures showing the actual calculation of such maximum price.

Maximum prices calculated as above shall be deemed approved on the 15th day following the receipt of report by the Office of Price Administration, Office of Temporary Controls, Washington, D. C., if no objection is made within that time by the Administrator.

[Above paragraph added by Am. 5, 9 F. R. 14429, effective 12-13-44]

(d) *Notification of the new maximum price.* Any person who determines the maximum price for an item of syrup or molasses in accordance with the provisions of this section shall accompany the first delivery of each such product to the purchaser with a statement in writing in which he shall state:

(1) The maximum price in the new container and that the price charged is at or below the maximum price:

(2) That the maximum price to such purchaser is determined in accordance with this section.

(e) *Adjustment of maximum prices.* Any price determined pursuant to this section shall be subject to adjustment at any time by the Office of Price Administration, Office of Temporary Controls.

SEC. 9a. *Maximum prices for syrups and molasses packed in tin containers of odd sizes.* The maximum price for an item of syrup or molasses of the types covered in this regulation when packed in an odd-size tin container, that is, a size for which a maximum prices is not specifically provided, shall be determined in the same manner as that provided for changes of packing from tin containers to glass containers set out in section 9, with the exception of allowance for labor.

Example: A producer-packer would arrive at a price for a case of 24-10 fluid ounce containers of country cane syrup to be sold on a delivered basis to the customary receiving points of buyers in the "southern zone" as follows:

1. By examination of the schedule of prices in section 7 (c) (1), determine that the No. 1½ can holding 12 fluid ounces is closest in size to the 10 fluid ounce tin which he desires to price.

2. Determine from the same section that the maximum price for the corresponding case of this size of container is $3.35.

3. Deduct from this maximum price his total cost of cans, case and labels per case of 24 No. 1½ cans.

4. Divide the resulting figure by 288, the number of fluid ounces in the case of 24 12-ounce No. 1½ cans, to determine the value of the syrup per ounce in container.

5. Multiply the resulting figure by 240, the number of ounces per case of 24-10 ounce containers, the new size.

6. Add to the resulting figure the cost of the new containers, can and labels to obtain the new maximum price per case of 24 10-ounce containers.

[Example amended by Am. 12, effective 3-18-47]

[Sec. 9a added by Am. 5]

SEC. 10. *Maximum prices for first molasses*—(a) *Producers' maximum prices for first molasses.* Producers' maximum prices for first molasses to all classes of purchasers shall be:

$0.38 per gallon net f. o. b. producer's mill or factory in tank cars or tank trucks furnished by the buyer.

$0.38½ per gallon net f. o. b. producer's mill or factory in barrels or half-barrels furnished by the buyer.

SEC. 10a. *Maximum prices for second molasses*—(a) *Producers' maximum prices for second molasses.* Producers' maximum prices for second molasses (boilback) to all classes of purchasers shall be:

$0.28 per gallon net f. o. b. producer's mill or factory in tank cars or tank trucks furnished by the buyer.

$0.28½ per gallon net f. o. b. producer's mill or factory in barrels or half-barrels furnished by the buyer.

[Sec. 10a, formerly sec. 11, redesignated and a new sec. 11 added by Am. 10, 11 F. R. 13583, effective 11-18-46]

SEC. 11. *Maximum prices for sales of first molasses and second molasses except producers' bulk sales and sales subject to Maximum Price Regulations Nos. 421, 422 or 423.* (a) On and after November 29, 1946, a seller's maximum price for sales of any item of first molasses or second molasses, except sales subject to sections 10 or 10a above or sales subject to Maximum Price Regulations Nos. 421, 422 or 423, shall be the highest price which he charged for the same item during March 1942 to a purchaser of the same class.

(b) If a seller cannot determine his maximum price under the foregoing paragraph (a), he shall file an application for a maximum price with the nearest Sugar Branch Office of the Office of Price Administration. The Administrator, any regional administrator or any Sugar Branch director authorized by the appropriate regional administrator may determine a maximum price in line with existing prices after an examination of the application which shall set forth the following information:

(1) A description of the grade or brand, if any, of the molasses including the degree of Baumé, color, the size of the containers and number of containers in the case and a statement of facts which differentiates the item from the most similar item for which a maximum price has been established under the provisions of this regulation, along with any other information that may be required.

(2) The "Factory Door Cost" per unit of the item, which shall include all direct and indirect costs and expenses chargeable to the production of the item, but shall not include costs and expenses chargeable to administration, selling, advertising or transportation. Also identical current cost breakdown of the seller's most closely comparable item which contributes substantially to his total volume of business.

SEC. 11a [Deleted].

[Sec. 11a added by Am. 3, 9 F. R. 3647, 4196, effective 4-8-44; amended by Am. 4, 9 F. R. 13852, effective 11-25-44; Am. 10, 11 F. R. 13583, effective 11-18-46 and deleted by Am. 12, effective 3-18-47]

SEC. 12. *Maximum prices for syrups and molasses for which no specific maximum price has been established.* (a) The maximum price for any item of syrup or molasses subject to the provisions of this regulation and for which a maximum price cannot be established pursuant to this regulation shall be the highest price which the seller charged for the same item during March 1942 to a purchaser of the same class.

(b) If the seller cannot determine his price under paragraph (a) above of this section, he shall file an application for a maximum price with the nearest Sugar Branch Office of the Office of Price Administration, Office of Temporary Controls. The Administrator, any regional administrator, or any Sugar Branch director authorized by the appropriate regional administrator may determine a price in line with existing prices after an examination of the application which shall set forth the following information:

(1) A description of the grade, or brand, if any, of the syrup or molasses including the degree of Baumé, color, the size of the containers and number of containers in the case and a statement of facts which differentiates the item from the most similar item for which a maximum price has been established under the provisions of this regulation, along with any other information that may be required.

(2) The "Factory Door Cost" per unit of the item, which shall include all direct and indirect costs, and expenses chargeable to the production of the item but shall not include costs and expenses chargeable to administration, selling, advertising or transportation. Also identical cost breakdown of the seller's most closely comparable item which contributes substantially to his total volume of business.

(3) Applications from producers and producer-packers shall also include (i) the yield of first and second molasses and raw or direct-consumption sugar per ton of cane and (ii) a description of all other items produced by the applicant from sugar cane and the yield of each per ton of cane.

[Sec. 12 amended and sec. 12a added by Am. 10, 11 F. R. 13583, effective 11-18-46]

SEC. 12a. *Notification to wholesalers and retailers of authorized change in maximum price.* With the first delivery of an item of syrup or molasses after the effective date of any provision in the regulation establishing a new maximum price for that item, the seller shall supply each purchaser with a written statement showing that price and for each whole-

saler and retailer who purchases from him the statement shall be as follows:

(Insert date)

NOTICE TO WHOLESALERS AND RETAILERS

Our OPA ceiling price for (describe item by variety, grade, brand, if any, container type and size) has been established by the Office of Price Administration. We are authorized to inform you that if you are a wholesaler or retailer pricing this item under Maximum Price Regulations Nos. 421, 422 or 423, you must refigure your ceiling price for this item on the first delivery of it to you from your customary type of supplier with this notification on or after (insert effective date of the applicable amendment). You must refigure your ceiling price following the rules in section 6 of Maximum Price Regulations Nos. 421, 422 or 423, whichever is applicable to you.

For a period of 60 days after the seller has established his new maximum price under this regulation and with his first shipment after the 60-day period to each purchaser who has not made a purchase within that time, he shall include the notice set forth above in each case or carton containing the item, or securely attach it to the case or carton, or insert it on or attach it to the invoice covering the shipment.

ARTICLE III—MISCELLANEOUS PROVISIONS

SEC. 13. *Evasion.* The price limitations set forth in this regulation shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase, transfer, or receipt of, syrups or molasses, alone or in conjunction with any other commodity or by way of any commission, service, transportation, or other charge or discount, premium, or other privilege, or by tying-agreement or other trade understanding or otherwise. Specifically, the provisions of this regulation shall not be evaded by a producer selling syrups and molasses in tank cars, tank trucks or barrel lots at prices provided for packers by temporarily storing and repacking syrups and molasses which he would ordinarily have delivered at producers' prices after production.

SEC. 14. *Enforcement.* Any person who violates a provision of this Revised Maximum Price Regulation No. 291 is subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided by Emergency Price Control Act of 1942, as amended.

SEC. 15. *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery. No person may deliver or agree to deliver at a price to be adjusted upward after delivery except upon authorization of the Office of Price Administration, Office of Temporary Controls. Such authorization may be given when a request for a change in the applicable maximum price is pending, if the authorization is deemed necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration, Office of Temporary Controls, having authority to act upon the pending request for a change in price or to whom authority to grant such authorization has been delegated. The authorization will be by order, except that it may be given by letter or telegram when the contemplated revision will be the granting of an individual application for adjustment.

SEC. 16. *Applicability of the General Maximum Price Regulation.* (a) This Revised Maximum Price Regulation No. 291 supersedes the provisions of the General Maximum Price Regulation with respect to the sales of syrups and molasses for which maximum prices are established by this regulation: *Provided,* That the following sections of the General Maximum Price Regulation and the amendments thereto, and Revised Supplementary Regulation 4 shall be applicable to every person making sales and deliveries covered by this Maximum Price Regulation No. 291.

(1) § 1499.14 (Sales slips and receipts)
(2) § 1499.15 (Registration)
(3) § 1499.16 (Licensing) (Except at the producers level)
(4) § 1499.29 (a) (5) (Developmental contracts)
(5) § 1499.29 (a) (6) (Secret contracts)
(6) § 1499.29 (a) (7) (Emergency purchases)
(7) § 1499.29 (a) (15) (Sales or deliveries of the War Department or the Department of the Navy through such department's sales stores.)

SEC. 17. *Definitions.* (a) When used in this Revised Maximum Price Regulation No. 291, the terms:

(1) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, legal successor, or representatives of any of the foregoing, and includes the United States, or any agency thereof, any other Government, or any of its political subdivisions and any agency of any of the foregoing.

(2) "Customary receiving point" means the place where the particular buyer has customarily received syrup. The prices named include all transportation to that point. In each case the amount paid by the buyer for the commodity, plus the amount of transportation also paid by the buyer to the seller shall not exceed the applicable delivered maximum price for delivery at that point. In cases where the seller is dealing with the buyer for the first time after the effective date of this regulation, the "customary receiving point" means the buyers' place of business.

[Subparagraph (2) added by Am. 5, 11 F. R. 14429, effective 12-13-44]

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942, as amended, and the General Maximum Price Regulation shall apply to other terms used herein.

SEC. 18. *Records and reports.* (a) Every seller who makes sales of syrups and molasses after the effective date of this regulation shall make and preserve for examination by the Office of Price Administration, Office of Temporary Controls, for so long as the Emergency Price Control Act of 1942, as amended, remains in effect, a record of all sales made showing the quantity sold, terms of sale, price received, and name and address of the purchaser, as well as all records of the same kind as he has customarily kept, relating to the prices which he charged for any of such items sold after the effective date of this regulation.

(b) [Revoked]

[Paragraph (b) revoked by Am. 7, 10 F. R. 5036, effective 5-9-45]

SEC. 19. *Transfers of business or stock in trade.* If the business or stock in trade of a seller of syrups and molasses covered by this regulation is sold or otherwise transferred on or after the effective date of this regulation or the effective date of any amendment as to the commodities covered by an amendment, and the transferee continues the business, the maximum prices of the transferee shall be the same as those which the transferor would have been subject to if no transfer had taken place, and his obligation to keep records sufficient to verify these prices shall be the same. The transferor shall either preserve and make available, or shall turn over to the transferee, all records of transactions prior to the transfer which are necessary to enable the transferee to comply with the record provisions contained in this regulation.

[Sec. 19 amended by Am. 2, 9 F. R. 2562, effective 3-11-44]

SEC. 20. *Federal and State taxes.* Any tax upon, or incident to, the sales, delivery, processing, or use of syrups or molasses imposed by any statute of the United States or statute or ordinance of any State or subdivision thereof, shall be treated as follows in determining the seller's maximum price for such syrups or molasses and in preparing the records of such seller with respect thereto:

(a) *As to a tax in effect prior to the effective date of this regulation for each kind of syrup and molasses.* (1) If the seller paid such tax, or if the tax was paid by any prior vendor, irrespective of whether the amount thereof was separately stated and collected from the seller, but the seller did not customarily state and collect separately from the purchase price prior to the effective date for such item the amount of the tax paid by him or tax reimbursement collected from him by his vendor, the seller may not collect such amount in addition to the maximum price, and in such a case shall include such amount in determining the maximum price under this regulation.

(2) In all other cases, if, at the time the seller determines his maximum price, the statute or ordinance imposing such tax does not prohibit the seller from stating and collecting the tax separately from the purchase price, and the seller does state it separately, the seller may collect, in addition to the maximum price, the amount of the tax actually paid by him or an amount equal to the amount of tax paid by any prior vendor and separately stated and collected from the seller by the vendor from whom he purchased, and in such case the seller shall not include such amount in determining the maximum price under this regulation.

(b) *As to a tax or an increase in a tax which becomes effective after the effective date of this regulation for each kind of syrup and molasses.* If the statute or ordinance imposing such tax or increase does not prohibit the seller from stating and collecting the tax or increase separately from the purchase price, and the seller does separately state it, the seller may collect, in addition to the maximum price, the amount of the tax or increase actually paid by him or an amount equal to the amount of tax paid by any prior vendor, and separately stated and collected from the seller by the vendor from whom he purchased.

SEC. 21. *Petitions for amendment.* Any person seeking an amendment of any provision of this Revised Maximum Price Regulation No. 291 may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1[1] issued by the Office of Price Administration.

Effective date. This regulation shall become effective December 11, 1943. [RMPR 291 originally issued December 6, 1943]

[Effective dates of amendments are shown in notes following the parts affected]

NOTE: All reporting and record keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 13th day of March 1947.

PHILIP B. FLEMING,
Temporary Controls Administrator.

[Amendment 12 approved by Clinton P. Anderson, Secretary of Agriculture, on March 5, 1947]

Statement of the Considerations Involved in the Issuance of Amendment No. 12 to Revised Maximum Price Regulation 291

The accompanying amendment to Revised Maximum Price Regulation 291 is a clarifying one, deleting the sections dealing with cane sugar blackstrap molasses and beet sugar final molasses, sections 1 (e) and 11a, in accordance with the action taken by Amendment 2 to Supplementary Order 193, which decontrolled those items as of January 29, 1947; and changing the figures in the example in section 9a so that they will conform with the changes made by Amendment 9 to RMPR 291 in producer-packers' prices for country cane syrup.

[F. R. Doc. 47-2485; Filed, Mar. 13, 1947; 11:09 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[S. O. 653, Corr. to Amdt. 3]

PART 95—CAR SERVICE

DEMURRAGE CHARGES ON GONDOLA, OPEN AND COVERED HOPPER CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 7th day of March A. D. 1947.

Upon further consideration of Service Order No. 653 (11 F. R. 14572), as amended (12 F. R. 128), and good cause appearing therefor, it is ordered, that:

Section 95.653 *Demurrage charges on gondola, open and covered hopper cars,* of Service Order No. 653, as amended, be, and it is hereby, further amended by adding the following paragraph (c) (5) thereto:

(c) *Application.* * * *

(5) *Demurrage charges substituted for charges for storage of freight in closed box cars.* (i) The operation of all tariff rules, regulations, and charges for storage of freight in gondola, open or covered hopper cars at or short of ports consigned or reconsigned for export, coastwise or intercoastal movement is suspended insofar as they provide charges lower than the charges provided herein.

(ii) In lieu of the charges for storage of freight in gondola, open or covered hopper cars at or short of ports suspended in subparagraph (5) (i) of this paragraph, the applicable charges for detention of gondola, open or covered hopper cars held at or short of ports, for unloading freight consigned to or reconsigned for export, coastwise or intercoastal movement shall be the demurrage charges prescribed in paragraphs (a) and (b) of this section.

It is further ordered, that this amendment shall become effective at 7:00 a. m., March 15, 1947, and the provisions of this amendment shall apply only to cars on which the free time expires on or after the effective date hereof.

It is further ordered, that a copy of this order and direction be served upon each State railroad regulatory body, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901, 49 U. S. C. 1 (10)-(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-2398; Filed, Mar. 13, 1947; 8:46 a. m.]

[S. O. 696, Corr.]

PART 95—CAR SERVICE

PRIORITY FOR EXPORT MAINE POTATOES

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 7th day of March A. D. 1947.

It appearing, that the President of the United States has instructed various Government agencies to put into effect a number of emergency measures designed to help meet critically urgent needs for foodstuffs in various foreign countries, and that the President has directed that specific preference will be given to the rail movement of essential foods in order promptly to export maximum quantities to the destinations where most needed; that upon representations from the Office of Defense Transportation, and due to the fact that there exists a shortage of refrigerator cars for the movement of this traffic, the Commission is of opinion that an emergency exists in the State of Maine, it is ordered, that:

§ 95.696 *Priority for export Maine potatoes*—(a) *Priority to be accorded.* All common carriers by railroad subject to the Interstate Commerce Act, serving points located in the State of Maine, shall give preference and priority over all other traffic to supplying or placing not to exceed one hundred fifty (150) refrigerator cars each working day for loading potatoes consigned to the United States Army, Portland, Maine, providing the shipper or consignor obtains a certificate in writing from the agent appointed herein, and further providing the shipper or consignor certifies in writing on the car order that such refrigerator car is intended for the transportation of potatoes pursuant to this section.

(b) *Appointment of agent.* Joseph E. Barr, Smith Bldg., telephone Presque Isle 2-3421, Presque Isle, Maine, is hereby appointed agent for the purpose of issuing certificates in accordance with this section. The agent appointed by this section will be under the direction and supervision of V. C. Clinger, Director, Bureau of Service, Interstate Commerce Commission, and he shall each day mail to the said director a copy of each certificate issued that day.

(c) *Potatoes not meeting grades.* No common carrier subject to the Interstate Commerce Act shall transport or move a refrigerator car accorded a priority under this section and loaded with potatoes unless or until it has knowledge that the potatoes loaded in the said car are of the grade or grades required by the United States Army.

(d) *Rules suspended.* The operation of all rules, regulations or practices, insofar as they conflict with the provisions of this section, is hereby suspended.

(e) *Effective date.* This section shall become effective at 12:01 a. m., March 11, 1947.

(f) *Expiration date.* This section shall expire at 11:59 p. m., April 30, 1947, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

It is further ordered, that a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

[1] 9 F. R. 10476, 13715, 10 F. R. 11295.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U. S. C. 1 (10)–(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-2401; Filed, Mar. 13, 1947; 8:46 a. m.]

[Rev. S. O. 689]

PART 97—ROUTING OF TRAFFIC

RETURNING EMPTY REFRIGERATOR CARS THROUGH CHICAGO, ILL.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 10th day of March A. D. 1947.

It appearing, that the Belt Railway Company of Chicago and the Indiana Harbor Belt Railroad Company in return movement are engaging in the practice of returning the identical empty refrigerator car to the railroad from which it was received under load with perishable traffic, thus causing additional switching resulting in delay to the movement of such empty refrigerator cars; in the opinion of the Commission an emergency requiring immediate action exists in the Chicago Switching District. It is ordered, that:

§ 97.689 *Returning empty refrigerator cars through Chicago, Ill.* (a) The Belt Railway Company of Chicago and the Indiana Harbor Belt Railroad Company shall receive from each line haul railroad an equal number of return empty refrigerator cars as were delivered to each line haul railroad in loaded movement, as ordered by this Commission's Refrigerator Car Agent C. W. Taylor, 59 East Van Buren Street, Chicago, Illinois, regardless of ownership or markings of particular cars.

(b) *Application.* The provisions of this section shall apply to interstate and foreign commerce.

(c) *Rules, regulations and practices suspended.* The operation of all rules, regulations, and practices insofar as they conflict with the provisions of this section, is hereby suspended.

(d) *Effective date.* This section shall become effective at 12:01 a. m., March 11, 1947.

(e) *Expiration date.* This section shall expire at 11:59 p. m., June 30, 1947, unless otherwise modified, changed, suspended or annulled by order of this Commission.

It is further ordered, that a copy of this order and direction shall be served upon the Belt Railway Company of Chicago and the Indiana Harbor Belt Railroad Company, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, secs. 402, 418, 41 Stat. 476, 485, secs. 4, 10, 54 Stat. 901, 912; 49 U. S. C. 1 (10)–(17), 15 (4))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-2399; Filed, Mar. 13, 1947; 8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 942]

HANDLING OF MILK IN THE NEW ORLEANS, LA., MARKETING AREA

NOTICE OF REPORT AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENTS

Pursuant to the rules of practice and procedure, as amended, covering proceedings to formulate marketing agreements and marketing orders (7 CFR, Cum. Supp., 900.1 et seq.; 10 F. R. 11791; 11 F. R. 7737), notice is hereby given of the filing with the Hearing Clerk of this report of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to proposed amendments to the order, as amended, and a proposed marketing agreement, regulating the handling of milk in the New Orleans, Louisiana, marketing area, to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended.

Interested parties may file exceptions to this report with the Hearing Clerk, Office of the Solicitor, Room 0308, South Building, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the 15th day after the publication of this report in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

The public hearing, on the record of which the proposed amendments to the order, as amended, and the proposed marketing agreement were formulated, was called by the Production and Marketing Administration, United States Department of Agriculture, following receipt of a petition filed by the Dairy Farmers Cooperative Association, Kentwood, Louisiana. Additional proposals for consideration were submitted by the United Milk Producers of America, Amite, Louisiana, the Dairy Branch, Production and Marketing Administration, and by numerous handlers. The public hearing was held at New Orleans, Louisiana, December 19–20, 1946.

The principal issues developed at the hearing were concerned with the following:

1. The addition of definitions for "new producer," and "producer-handler";

2. The responsibility of handlers for classification and payment of milk;

3. The revision of the method of allocating milk classified to the receipts of milk from producers and other sources;

4. The utilization of producer milk in Class II and Class III by some handlers while other handlers are utilizing receipts from other sources in Class I.

5. The revision of the basic formula prices upon which class prices are determined, the addition of an alternate basic formula composed of dairy feed prices, and the seasonal level of class prices;

6. The revision of application of various provisions of the order with respect to producer-handlers;

7. A revision of the method of payments to producers for milk by withholding a specified amount from payments made during the flush months of production which would be added to payments made for milk during the short months of production; and

8. The inclusion of an individual-handler pool instead of the present market-wide pool.

The conclusions reached with respect to these issues, together with some of the supporting reasons for such conclusions, are set forth below:

(1) The term "producer-handler" should be included to distinguish between the various operations of handlers who receive no milk from producers.

The term "new producer" should not be included in view of the short supply of milk;

(2) The responsibility of handlers in establishing the classification of skim milk and butterfat should be revised for purposes of clarification;

(3) Actual plant shrinkage of milk received from producers not in excess of two percent of the skim milk and butterfat therein should be allocated to milk received from producers irrespective of the allocation of milk received from "other sources."

Transfers of milk should not operate to prevent producer milk from being allocated to the highest available priced classification; furthermore, in order to obtain greater utilization of producer milk in Class I and to facilitate transfers of producers' milk between handlers, the market administrator may announce the names of handlers who do not have sufficient producer milk to meet their Class I requirements, the names of handlers who have producer milk in excess of their Class I requirements, and the percent that receipts of skim milk and butterfat in producer milk is of the utilization of skim milk and butterfat, respectively, in Class I.

(4) The classification of producer milk should be revised to provide that no producer skim milk or butterfat, as the case may be, shall be classified as Class II or Class III, during the months of August through March, if the receipts of skim milk or butterfat in producer milk during the preceding delivery period is less than 90 percent of the utilization of skim milk or butterfat, respectively, in Class I.

(5) The basic formula price provisions upon which Class I and Class II prices for milk of 4.0 percent butterfat are determined should be revised to conform with such class price determinations by adding the value of 0.5 percent of butterfat to the present basic formula price for milk of 3.5 percent butterfat.

An alternate basic formula price composed of dairy feed prices should not be included since such formula does not reflect milk supply and demand conditions currently.

The Class I and Class II price differentials should be revised. Beginning April 1, 1948, such differentials should be relatively higher during the months of August through March and relatively lower during the months of April through July in order to reflect the major portion of the price increases seasonally so as to encourage a shift to fall milk production.

(6) The application of the various provisions of the order, as amended, should be revised to consider a producer-handler as a producer with respect to milk, skim milk, or cream disposed of in bulk to a handler (including another producer-handler);

(7) A revision of the method of payments to producers for milk by withholding a specified amount from payments made during the flush months of production which would be added to payments for milk during the short months of production should not be adopted;

(8) An individual-handler pool should not be adopted at this time; and

(9) Numerous changes in language for the purpose of clarifying the present provisions of the order, as amended, should be made.

The following provisions are recommended as the detailed means by which these conclusions may be carried out. The proposed marketing agreement is not included in this report because its substantive provisions would be the same as those set forth below with respect to the order, as amended.

§ 942.1 *Definitions.* The following terms shall have the following meanings:

(a) "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended.

(b) "Secretary" means the Secretary of Agriculture of the United States or any other officer or employee of the United States authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

(c) "New Orleans, Louisiana, marketing area," hereinafter called the "marketing area," means the cities, towns, and villages of New Orleans in Orleans Parish; Gretna, Westwego, Marrero, Harvey, Metairie, and Belle Chasse in Jefferson Parish; Poydras, St. Bernard, Violet, Meraux, Chalmette, and Arbal in St. Bernard Parish; all in the State of Louisiana.

(d) "Person" means any individual, partnership, corporation, association, or any other business unit.

(e) "Producer" means a person who in conformity with the applicable health regulations for milk for consumption as milk in the marketing area produces milk which is received at a city or country plant.

(f) "Handler" means a person who operates a city or country plant.

(g) "City plant" means a plant where milk is processed and packaged and from which milk is distributed as Class I milk in the marketing area.

(h) "Country plant" means a plant at which milk is received from producers and from which milk or cream is received at a city plant.

(i) "Delivery period" means the current marketing period from the first to, and including, the last day of each month.

(j) "Market administrator" means the agency which is described in § 942.2 for the administration hereof.

(k) "Cooperative association" means any cooperative association of producers which the Secretary determines (1) to have its entire activities under the control of its members, and (2) to have and to be exercising full authority in sale of milk of its members.

(l) "Other sources" means sources other than producers or other handlers.

(m) "Producer-handler" means any person who is both a producer and a handler and who receives no milk from other producers or from other producer-handlers in bulk: *Provided,* That (1) the maintenance, care, and management of the dairy animals and other resources necessary to produce the milk are the personal enterprise of and at the personal risk of such person in his capacity as a producer, and (2) the processing, packaging, and distribution of milk are the personal enterprise of and at the personal risk of such person in his capacity as a handler.

§ 942.2 *Market administrator*—(a) *Designation.* The agency for the administration hereof shall be a market administrator who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

(b) *Powers.* The market administrator shall:

(1) Administer the terms and provisions hereof.

(2) Report to the Secretary complaints of violations of the provisions hereof.

(3) Make rules and regulations to effectuate the terms and provisions hereof.

(4) Recommend amendments to the Secretary.

(c) *Duties.* The market administrator shall:

(1) Within 45 days following the date upon which he enters upon his duties, execute and deliver to the Secretary a bond, conditioned upon the faithful performance of his duties, in an amount and with surety thereon satisfactory to the Secretary.

(2) Pay out of the funds provided by § 942.9, the cost of his bond, his own compensation, and all other expenses necessarily incurred in the maintenance and functioning of his office.

(3) Keep such books and records as will clearly reflect the transactions provided for herein, and surrender the same to his successor or to such other person as the Secretary may designate.

(4) Publicly disclose to handlers and producers, unless otherwise directed by the Secretary, the name of any person who, within 2 days after the date upon which he is required to perform such acts, has not (i) made reports pursuant to § 942.3 or (ii) made payments pursuant to § 942.8 and § 942.9.

(5) Promptly verify the information contained in the reports submitted by handlers.

§ 942.3 *Reports of handlers*—(a) *Periodic reports.* On or before the 5th day of each delivery period, each handler, except as set forth in paragraph (c) of this section, shall report to the market administrator in the detail and on forms prescribed by the market administrator, with respect to all milk and any skim milk, cream, or other milk products which were, during the preceding delivery period, purchased or received from (i) producers, (ii) other handlers, and (iii) other sources; the receipts at each plant; the butterfat content; and the utilization thereof.

(b) *Reports of payments to producers.* On or before the 20th day of each delivery period, each handler shall submit to the market administrator such handler's producer payroll for the preceding delivery period, which shall show the total pounds of milk received from each producer, the average butterfat content of such milk, and the net amount of payment to such producer with the prices, deductions, and charges involved.

(c) *Reports of producer-handlers.* Producer-handlers shall report to the market administrator at such time and in such manner as the market administrator may request.

(d) *Verificaton of reports and payments.* The market administrator shall verify all reports and payments of each handler by audits of such handler's records and the records of any other handler or person upon whose utilization the classification of milk depends. Each handler shall keep adequate records of receipts and utilization of skim milk and butterfat and shall, during the usual hours of business, make available to the market administrator or his representative such records and facilities as will enable the market administrator to:

(1) Verify the receipts and utilization of all skim milk and butterfat and, in the case of errors or omissions, ascertain the correct figures;

(2) Weigh, sample, and test for butterfat content milk and milk products; and

(3) Verify payments to producers.

§ 942.4 *Classification*—(a) *Basis of classification.* All skim milk and butterfat contained in milk and in skim milk, cream, and other milk products required

to be reported shall be classified by the market administrator in the classes set forth in paragraph (b) of this section.

(b) *Classes of utilization.* Subject to the conditions set forth in paragraphs (c) and (d) of this section, the classes of utilization of milk shall be: *Provided,* That no skim milk or butterfat, as the case may be, shall be classified as Class II or Class III, by any handler, during any of the delivery periods of August through March if the total receipts of skim mlk or butterfat in milk received from producers during the preceding delivery period is less than 90 percent of the utilization of skim milk or butterfat, respectively, by all handlers, in Class I (determined in accordance with subparagraphs (1), (2), and (3) of this paragraph):

(1) Class I shall be all skim milk and butterfat the utilization of which is not established as Class II or Class III.

(2) Class II shall be all skim milk and butterfat used in cheese other than Cheddar, ice cream, and ice cream mix.

(3) Class III shall be all skim milk and butterfat (i) disposed of other than in the form of milk, skim milk, buttermilk, flavored milk, flavored milk drinks, sweet or sour cream (for consumption as cream, including any mixture of cream and milk or skim milk, in fluid form irrespective of the butterfat content), cheese other than Cheddar, ice cream, and ice cream mix; and (ii) accounted for as actual plant shrinkage, but not in excess of 2 percent respectively of the total receipts of skim milk and butterfat from producers.

(c) *Responsibility of handlers and reclassification of milk.* (1) In establishing the classification of skim milk and butterfat as required in paragraphs (b) and (d) of this section, the burden rests upon the first handler who receives such skim milk or butterfat to prove to the market administrator that such skim milk or butterfat should not be classified as Class I milk.

(2) Any skim milk or butterfat classified in one class shall be reclassified if such skim milk or butterfat is later used or disposed of (whether in original or other form) by any handler in another class, in accordance with such latter use or disposition.

(d) *Transfers.* (1) Subject to the conditions set forth in paragraph (c) of this section, skim milk and butterfat, when transferred in the form of milk, skim milk, or cream from a handler who purchases or receives milk from producers shall be classified (i) in the class in which such skim milk and butterfat was used if transferred to a handler who is not a producer-handler; (ii) as Class I, if transferred to a producer-handler; (iii) as Class I, if transferred to a person, other than a handler, who distributes milk or cream in fluid form for consumption as such; and (iv) in the class in which the market administrator determines such skim milk or butterfat was used, if transferred to a person, other than a handler, who does not distribute milk or cream in fluid form for consumption as such.

(2) No provision relative to transfers provided for in subparagraph (1) of this paragraph shall operate to deter the prior subtraction of skim milk or butterfat from other sources pursuant to paragraph (f) of this section. Any quantity reported for allocation to a particular class but not elegible therefor because of paragraph (f) of this section shall be allocated by the market administrator as Class I skim milk or Class I butterfat pending verification and appropriate allocation.

(e) *Computation of the skim milk and butterfat in each class.* For each delivery period, the market administrator in the case of each handler shall determine:

(1) The total pounds of skim milk received by adding together the total pounds of milk, skim milk, and cream received, and the pounds of butterfat and skim milk used to produce any milk products received, and subtracting therefrom the total pounds of butterfat determined pursuant to subparagraph (2) of this paragraph.

(2) The total pounds of butterfat received by adding into one sum the pounds of butterfat received from (i) producers; (ii) other handlers; and (iii) other sources.

(3) The total pounds of skim milk in Class I by (i) adding together the pounds of milk, skim milk, and cream disposed of in each of the several products of Class I, (ii) subtracting the result obtained in subparagraph (4) (i) of this paragraph; and (iii) adding together the result obtained in (ii) of this subparagraph and the result obtained in subparagraph (7) (iii) (*b*) of this paragraph.

(4) The total pounds of butterfat in Class I by (i) adding together the pounds of butterfat in each of the several products of Class I; and (ii) adding together the result obtained in subdivision (i) of this subparagraph and the result obtained in subparagraph (8) (ii) (*b*) of this paragraph.

(5) The total pounds of skim milk in Class II by (i) adding together the pounds of milk, skim milk, and cream which are used to produce each of the several products of Class II; and (ii) subtracting the result obtained in subparagraph (6) of this paragraph.

(6) The total pounds of butterfat in Class II by adding together the pounds of butterfat used in each of the several products of Class II.

(7) The total pounds of skim milk in Class III by (i) adding together the pounds of milk, skim milk, and cream which were used to produce each of the several products of Class III; (ii) subtracting the result obtained in subparagraph (8) (i) of this paragraph; (iii) subtracting from the result obtained in subparagraph (1) of this paragraph the results obtained in subparagraph (3) (ii) and (5) (ii) of this paragraph and subdivision (ii) of this subparagraph, which resulting amount shall be classified as follows: (*a*) That portion not in excess of 2 percent of total receipts of skim milk from producers shall be considered as plant shrinkage and classified as Class III; and (*b*) that portion in excess of 2 percent of total receipts of skim milk from producers shall be classified as Class I: *Provided,* That any skim milk which has been accounted for as having been dumped by a handler shall be classified as Class III; and (iv) adding together the pounds of skim milk obtained in subdivision (ii) of this subparagraph and the pounds of skim milk allocated to Class III pursuant to subdivision (iii) of this subparagraph.

(8) The total pounds of butterfat in Class III by (i) adding together the pounds of butterfat used in each of the several products of Class III; (ii) subtracting from the result obtained in subparagraph (2) of this paragraph the results obtained in subparagraphs (4) (i) and (6) of this paragraph and subdivision (i) of this subparagraph, which resulting amount shall be classified as follows: (*a*) That portion not in excess of 2 percent of total receipts of butterfat from producers shall be considered as plant shrinkage and classified as Class III; and (*b*) that portion in excess of 2 percent of total receipts of butterfat from producers shall be classified as Class I; and (iii) adding together the results obtained in subdivisions (i) and (ii) (*a*) of this subparagraph.

(f) *Allocations of skim milk and butterfat classified.* (1) The pounds of skim milk remaining in each class, for each handler, after making the following computations shall be the pounds allocated to milk received from producers, and shall be known as the "net pooled skim milk" in such class for such handler:

(i) Subtract from the total pounds of skim milk in Class III the plant shrinkage of skim milk in Class III, computed pursuant to paragraph (e) (7) (iii) (*a*) of this section;

(ii) Subtract from the remaining pounds of skim milk in each class, in series beginning with the lowest-priced available class, the pounds of skim milk received from other sources;

(iii) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk received from other handlers and used in such class; and

(iv) Add to the remaining pounds of skim milk in Class III the amount subtracted pursuant to subdivision (i) of this subparagraph. If the remaining total pounds of skim milk in all classes exceed the total pounds of skim milk received from producers, subtract such excess from the remaining pounds of skim milk in each class in series beginning with the lowest-priced available class.

(2) Determine the pounds of butterfat to be allocated to milk received from producers in a manner similar to that prescribed in subparagraph (1) of this paragraph for skim milk (except that the reference paragraph (e) (8) (ii) (*a*) of this section shall be substituted for the designated reference (e) (7) (iii) (*a*) set forth in subparagraph (1) (i) of this paragraph). The resulting pounds of butterfat in each class shall be known as the "net pooled butterfat" in such class.

(g) *Announcement of utilization of skim milk and butterfat.* The market administrator may from time to time as conditions in the market warrant:

(1) Obtain reports in the manner and on forms prescribed by him from handlers with respect to their receipts and

utilization of skim milk and butterfat; and

(2) Publicly announce (i) the name of each handler whose receipts of skim milk or butterfat in milk received from producers are more than 105 percent of his utilization of skim milk or butterfat, respectively, in Class I milk, computed in the manner prescribed in subparagraphs (3) and (4) of paragraph (e) of this section, (ii) the name of each handler whose receipts of skim milk or butterfat in milk received from producers is less than 95 percent of his utilization of skim milk or butterfat, respectively, in Class I milk, computed in the manner prescribed in subparagraphs (3) and (4) of paragraph (e) of this section, and (iii) the percent that the total receipts of skim milk and butterfat in milk received from producers is of the utilization of skim milk and butterfat, respectively, by all handlers, in Class I (determined in accordance with subparagraphs (1), (2), and (3) of paragraph (b) of this section).

§ 942.5 *Minimum prices*—(a) *Basic formula price to be used in determining Class I and Class II prices.* The basic formula price per hundredweight of milk to be used in determining the Class I and Class II prices set forth in this section shall be the highest of the prices computed pursuant to subparagraphs (1), (2), and (3), of this paragraph.

(1) To the average of the basic (or field) prices per hundredweight reported to have been paid, or to be paid, for milk of 3.5 percent butterfat content received during the delivery period at the following plants or places for which prices have been reported to the market administrator or to the United States Department of Agriculture by the companies listed below:

Companies and Locations

Borden Co., Black Creek, Wis.
Borden Co., Greenville, Wis.
Borden Co., Mt. Pleasant, Mich.
Borden Co., New London, Wis.
Borden Co., Oxfordville, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Jefferson, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richland, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

add an amount computed as follows: From the average daily wholesale price per pound of 92-score butter in the Chicago market, as reported by the United States Department of Agriculture for the delivery period during which such milk was received, subtract 3 cents, add 20 percent thereof, and then multiply by 0.5.

(2) (i) Multiply by 6 the average daily wholesale price per pound of 92-score butter in the Chicago market as reported by the United States Department of Agriculture during the delivery period;

(ii) Add an amount equal to 2.4 times the average weekly prevailing price per pound of "Twins" during the delivery period on the Wisconsin Cheese Exchange at Plymouth, Wisconsin: *Provided*, That if the price of "Twins" is not quoted on the Wisconsin Cheese Exchange the weekly prevailing price of "Cheddars" on such Exchange shall be used; and

(iii) Divide by 7, add 30 percent thereof, and then multiply by 4.0.

(3) The price per hundredweight computed by adding together the plus amounts pursuant to subdivisions (i) and (ii) of this subparagraph:

(i) From the average daily wholesale price per pound of 92-score butter in the Chicago market, as reported by the United States Department of Agriculture during the delivery period, subtract 3 cents, add 20 percent thereof, and then multiply by 4.0; and

(ii) From the average of the carlot prices per pound for nonfat dry milk solids (not including that specifically designated animal feed), spray and roller process, f. o. b. manufacturing plants in the Chicago area, as reported by the United States Department of Agriculture during the delivery period, deduct 4 cents, multiply by 8.5, and then multiply by 0.96.

(b) *Class I prices.* Each handler shall pay producers, in the manner set forth in § 942.8 for skim milk and butterfat in milk purchased or received from them during each delivery period and classified as net pooled Class I skim milk and net pooled Class I butterfat, not less than the following prices per hundredweight:

(1) For such skim milk and butterfat received at such handler's plant located in the 61–70 mile zone, the minimum prices shall be as follows:

(i) To the basic formula price add $0.85 for the delivery periods of April through July and $1.25 for the delivery periods of August through March: *Provided*, That from the effective date hereof to and including the delivery period of March, 1948, the amount to be added to the basic formula price shall be $1.25.

(ii) The price of butterfat shall be the sum obtained in subdivision (i) of this subparagraph multiplied by 17.5.

(iii) The price of skim milk shall be computed by (*a*) multiplying the price of butterfat pursuant to subdivision (ii) of this subparagraph by 0.04; (*b*) subtracting such amount from the sum obtained in subdivision (i) of this subparagraph; (*c*) dividing such net amount by 0.96; and (*d*) rounding off to the nearest full cent.

(2) For such skim milk and butterfat received at such handler's plant located in a freight zone other than the 61–70 mile zone, the prices shall be those effective pursuant to subparagraph (1) of this paragraph adjusted by the respective amount indicated in the following schedule for the freight zone in which such plant is located:

Freight zone (miles)	*Cents per hundredweight*
Not more than 20	+28.0
More than 20 but not more than 30	+ 8.0
More than 30 but not more than 40	+ 6.0
More than 40 but not more than 50	+ 4.0
More than 50 but not more than 60	+ 2.0
More than 60 but not more than 70	0
More than 70 but not more than 80	— 2.0
More than 80 but not more than 90	— 4.0
More than 90 but not more than 100	— 6.0
More than 100 but not more than 110	— 7.0
More than 110	— 8.0

(3) The market administrator shall from time to time determine and publicly announce the freight zone location of each plant of each handler, according to the railroad mileage distance between such country plant and the railroad terminal in New Orleans, or according to the highway mileage distance between such plant and the City Hall in New Orleans, whichever is shorter.

(4) For the purpose of this paragraph, the skim milk and butterfat which was classified as net pooled Class I skim milk and net pooled Class I butterfat during each delivery period shall be considered to have been first that skim milk and butterfat which was received from producers at such handler's plant located in the 0–20 mile zone, then that skim milk and butterfat which was received from producers at such handler's plant in series beginning with plants located in the freight zone nearest to New Orleans.

(c) *Class II prices.* Each handler shall pay producers, in the manner set forth in § 942.8, for skim milk and butterfat in milk purchased or received from them during each delivery period and classified as net pooled Class II skim milk and net pooled Class II butterfat, not less than the following prices per hundredweight:

(1) To the basic formula price add $0.35 for the delivery periods of April through July and $0.55 for the delivery periods of August through March: *Provided*, That from the effective date hereof to and including the delivery period of March, 1948, the amount to be added to the basic formula price shall be $0.55.

(2) The price of butterfat shall be the sum obtained in subparagraph (1) of this paragraph, multiplied by 17.5.

(3) The price of skim milk shall be computed by (i) multiplying the price of butterfat pursuant to subparagraph (2) of this paragraph by 0.04; (ii) subtracting such amount from the sum obtained in subparagraph (1) of this paragraph; (iii) dividing such net amount by 0.96; and (iv) rounding off to the nearest full cent.

(d) *Class III prices.* Each handler shall pay producers, in the manner set forth in § 942.8 for skim milk and butterfat in milk purchased or received from them during each delivery period and classified as net pooled Class III skim milk and net pooled Class III butterfat not less than the following prices per hundredweight:

(1) The price per hundredweight of skim milk shall be any plus amount resulting from the following computations: from the average of the carlot prices per pound for nonfat dry milk solids (not including that specifically designated animal feed), roller process, delivered at Chicago, as reported by the United States Department of Agriculture during the delivery period preceding that in which such skim milk was received, deduct 7 cents, and then multiply by 7.5.

(2) The price per hundredweight of butterfat shall be computed as follows: Multiply by 100 the average daily wholesale price per pound of 92-score butter in the Chicago market as reported by the United States Department of Agriculture during the delivery period preceding that in which such butterfat was received.

(e) *Emergency price provisions.* (1) Whenever the provisions hereof require the market administrator to use a specific price (or prices) for milk or any milk product for the purpose of determining class prices or for any other purpose, the market administrator shall add to the specified price the amount of any subsidy, or other similar payment, being made by any Federal agency in connection with the milk, or product, associated with the price specified: *Provided,* That if for any reason the price specified is not reported or published as indicated, the market administrator shall use the applicable maximum uniform price established by regulations of any Federal agency plus the amount of any such subsidy or other similar payment: *Provided further,* That if the specified price is not reported or published and there is no applicable maximum uniform price, or if the specified price is not reported or published and the Secretary determines that the market price is below the applicable maximum uniform price, the market administrator shall use a price determined by the Secretary to be equivalent to or comparable with the price specified.

(2) Whenever the Secretary finds and announces that the Class I and Class II prices computed for any delivery period pursuant to paragraphs (b) and (c) of this section are not in the public interest, the Class I and Class II prices for such delivery period shall be the same as the Class I and Class II prices for the previous delivery period.

§ 942.6 *Application of provisions*—(a) *Exemptions.* (1) Sections 942.5, 942.7, 942.8, and 942.9 shall not apply to any handler (i) whose sole source of supply is from other handlers (except producer-handlers) or (ii) who is a producer-handler pursuant to § 942.1 (m) as verified in the manner provided in subparagraph (2) of this paragraph.

(2) Producer-handlers shall furnish the market administrator for his verification evidence of their qualifications as such pursuant to § 942.1 (m).

(3) Milk received at the plant of a handler, the handling of which the Secretary determines to be subject to the pricing and payment provisions of any other Federal milk marketing agreement or order issued pursuant to the act for any fluid milk marketing area shall not be subject to the pricing and payment provisions hereof.

(b) *Payment for excess skim milk or butterfat.* If, after subtracting receipts from other sources, and from other handlers (including receipts in packaged form from producer-handlers), a handler has disposed of skim milk or butterfat in excess of the skim milk or butterfat which, on the basis of his reports, has been credited to his producers as having been purchased or received from them, the market administrator in computing the net pool obligation of such handler, pursuant to § 942.7 (a) shall add an amount equal to the value of such skim milk or butterfat in accordance with its value at the price for the class from which such skim milk or butterfat was subtracted pursuant to § 942.4 (f).

(c) *Skim milk and butterfat disposed of by a producer-handler.* A producer-handler shall be considered as a producer with respect to skim milk and butterfat disposed of in bulk as milk, skim milk, or cream to a handler (including another producer-handler), and as a handler with respect to skim milk and butterfat disposed of in packaged form to a handler (including another producer-handler).

§ 942.7 *Determination of uniform price of producers*—(a) *Net pool obligation of handlers.* The net pool obligation of each handler for skim milk and butterfat received from producers during each delivery period shall be a sum of money computed for such delivery period by the market administrator by: Multiplying, respectively, the pounds of "net pooled skim milk" and "net pooled butterfat" in each class by the respective class prices, and adding, respectively, any amount pursuant to § 942.6 (b). The sum of the two amounts shall be such handler's total pool obligation.

(b) *Computation of the uniform price.* For each delivery period the market administrator shall compute the uniform price per hundredweight of skim milk, butterfat, and milk by:

(1) Combining the net pool obligations, computed pursuant to paragraph (a) of this section, for skim milk and butterfat, respectively, of all handlers who reported pursuant to § 942.3 (a) for such delivery period, except those in default of payments pursuant to § 942.8 (a) (3) for the preceding delivery period.

(2) Adding, respectively, the amounts computed by multiplying respectively the total hundredweight of skim milk and butterfat received from producers at plants located in each freight zone farther from New Orleans than the 61–70 mile zone by the appropriate zone differential set forth in the schedule pursuant to § 942.5 (b) (2);

(3) Subtracting, respectively, the amounts computed by multiplying respectively the total hundredweight of skim milk and butterfat received from producers at plants located in each freight zone nearer New Orleans than the 61–70 mile zone by the appropriate zone differential set forth in the schedule pursuant to § 942.5 (b) (2);

(4) Adding, respectively, an amount equal to one-half the unobligated balance in the producer-settlement fund;

(5) Dividing, respectively, the resulting sums by the hundredweight of "net pooled skim milk" and "net pooled butterfat"; and

(6) Subtracting, respectively, not less than 4 cents nor more than 5 cents. The results shall be known, respectively, as the uniform price per hundredweight for (i) skim milk and (ii) butterfat purchased or received from the producers at plants located in the 61–70 mile zone. The uniform price for milk containing 4.0 percent butterfat received from producers at plants located in the 61–70 mile zone shall be the sum of the values of 96 pounds of skim milk and 4 pounds of butterfat at the respective uniform prices.

(c) *Butterfat differential.* For each delivery period the market administrator shall compute to the nearest one-tenth cent a butterfat differential as follows: subtract from the uniform price per hundredweight of butterfat the uniform price per hundredweight of skim milk and divide the result by 1,000.

(d) *Announcement of prices.* (1) On or before the 6th day of each delivery period, the market administrator shall notify all handlers and make public announcement of the class prices for skim milk and butterfat received from producers during the current period.

(2) On or before the 10th day of each delivery period the market administrator shall notify all handlers and make public announcement of the computations pursuant to paragraph (b) of this section, of the butterfat differential computed pursuant to paragraph (c) of this section, and of the uniform price per hundredweight of skim milk, butterfat, and milk containing 4.0 percent butterfat received from producers during the preceding delivery period.

(e) *Computation of pool debits and pool credits.* On or before the 10th day after the end of each delivery period the market administrator shall:

(1) Compute the amount by which the sum of each handler's net pool obligations for skim milk and butterfat is greater or less than the amount computed for payment to producers by such handler pursuant to § 942.8 (a) (1) and (2), including the location adjustment to be made pursuant to § 942.8 (b). This amount shall be known as such handler's pool debit or pool credit, as the case may be, and shall be entered upon such handler's account.

(2) Notify each handler of the amount of such handler's (i) net pool obligation and (ii) pool debit or pool credit.

§ 942.8 *Payment for milk*—(a) *Payments to producers.* The amount of each handler's total pool obligation shall be distributed among producers in the following manner:

(1) On or before the last day of each delivery period each handler shall make payment to each producer at not less than $3 per hundredweight for the milk received from each producer during the first 15 days of such delivery period.

(2) On or before the 15th day of each delivery period, each handler shall make payment to each producer for milk received from such producer during the preceding delivery period at not less than the uniform price for milk containing 4 percent butterfat announced pursuant to § 942.7 (d), adjusted as follows: if the average butterfat content of the milk received from any producer varies from 4 percent, subtract for each one-tenth of 1 percent that the average butterfat content of such milk is less than 4 percent, or add for each one-tenth of 1 percent that the average butterfat content of such milk is more than 4 percent, an amount equal to the butterfat differential computed pursuant to § 942.7 (c): *Provided,* That if by such date such handler has not received full payment for such delivery period pursuant to subparagraph (4) of this paragraph, he shall not be deemed to be in violation of this para-

graph if he reduces uniformly for all producers his payments per hundredweight by a total amount not in excess of the reduction in payment from the market administrator: however, the handler shall make such balance of payment to those producers to whom it is due on or before the date for making payments pursuant to this subparagraph next following that on which such balance of payment is received from the market administrator.

(3) On or before the 12th day of each delivery period, each handler shall pay to the market administrator for payment to producer through the producer-settlement fund the amount of each handler's pool debit for the previous delivery period.

(4) On or before the 15th day of each delivery period, the market administrator shall pay from the producer-settlement fund to each handler for payment to producers the amount of such handler's pool credit for the previous delivery period. If at such time the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available: *Provided*, That the market administrator may offset any such payment due to any handler against payments due from such handler.

(b) *Location differentials.* Each handler, in making the payments prescribed in paragraph (a) of this section, shall adjust the uniform price with respect to all skim milk and butterfat received from each producer at such handler's plant not located in the 61–70 mile zone by the amount per hundredweight specified in the table pursuant to § 942.5 (b) (2).

(c) *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to paragraph (a) (3) and (d) of this section and out of which he shall make all payments to handlers pursuant to paragraph (a) (4) and (d) of this section.

(d) *Adjustment of errors in payments.* Whenever verification by the market administrator of reports or payments of any handler discloses errors in payments to the producer-settlement fund made pursuant to paragraph (a) (3) of this section, the market administrator shall promptly bill such handler for any unpaid amount and such handler shall, within 5 days of such billing, make payment to the market administrator of the amount so billed. Whenever verification discloses that payment is due from the market administrator to any handler pursuant to paragraph (a) (4) of this section, the market administrator shall, within 5 days, make such payment to such handler: *Provided*, That the market administrator may offset any such payment to any handler against payments due from such handler. Whenever verification by the market administrator of the payment by a handler to any producer discloses payment to such producer of an amount which is less than is required by this section, the handler shall make up such payment to the producer not later than the time of making payment to producers next following such disclosure.

(e) *Adjustment of overdue accounts.* Any balance due pursuant to this section to or from the market administrator on the 25th day of any month, for which remittance has not been received in, or paid from, his office by the close of business on that day, shall be increased one-half of 1 percent, effective the 26th day of each month.

§ 942.9 *Expense of administration.* As his pro rata share of the expense of administration hereof, each handler shall pay to the market administrator, on or before the 15th day after the end of each delivery period, 4 cents per hundredweight, or such lesser amount as the Secretary may from time to time prescribe, to be announced by the market administrator on or before the 10th day after the end of such delivery period, with respect to all skim milk and butterfat purchased or received by such handler, during such delivery period, from producers, including that received from such handler's own farm production.

§ 942.10 *Effective time, suspension, or termination*—(a) *Effective time.* The provisions hereof, or any amendment hereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended, or terminated, pursuant to paragraph (b) of this section.

(b) *Suspension or termination.* Any or all of the provisions hereof, or any amendment hereto, may be suspended or terminated as to any or all handlers after such reasonable notice as the Secretary shall give and shall, in any event, terminate whenever the provisions of the act cease to be in effect.

(c) *Continuing power and duty of the market administrator.* (1) If, upon the suspension or termination of any or all provisions hereof there are any obligations arising hereunder the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

(2) The market administrator, or such other persons as the Secretary may designate, shall (i) continue in such capacity until removed, (ii) from time to time account for all receipts and disbursements and when so directed by the Secretary deliver all funds on hand, together with the books and records of the market administrator, or such person, to such person as the Secretary shall direct, and (iii) if so directed by the Secretary execute assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant thereto.

(d) *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions hereof the market administrator, or such person as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions hereof, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

§ 942.11 *Liability*—(a) *Liability of handlers.* The liability of the handlers hereunder is several and not joint, and no handler shall be liable for the default of any other handler.

§ 942.12 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions hereof.

§ 942.13 *Separability of provisions.* If any provision hereof, or its application to any person or circumstance, is held invalid, the application of such provision and of the remaining provisions hereof to other persons or circumstances shall not be affected thereby.

This report filed at Washington, D. C., this 11th day of March 1947.

[SEAL] F. R. BURKE,
Acting Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 47-2409; Filed, Mar. 13, 1947; 8:45 a. m.]

NOTICES

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 8343]

MASAJI MINAMOTO

In re: Bank account owned by Masaji Minamoto. D–39–18591–E–1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Masaji Minamoto, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows:

a. That certain debt or other obligation owing to Masaji Minamoto, by Bank of America, National Trust and Savings Association, 660 South Spring Street, Los Angeles 14, California, arising out of a Savings Account, Account Number 511, entitled Masaji Minamoto, maintained at the branch office of the aforesaid bank located at Madera, California, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation owing to Masaji Minamoto, by Bank of America, National Trust and Savings Association, 660 South Spring Street, Los Angeles 14, California, arising out of a Checking Account, entitled Masaji Minamoto, maintained at the branch office of the aforesaid bank located at Madera, California, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 27, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47–2378; Filed, Mar. 10, 1947; 8:46 a. m.]

[Vesting Order 8342]

HIKOJIRO MARUYAMA

In re: Bank account owned by Hikojiro Maruyama. D–39–7527–E–1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hikojiro Maruyama, whose last known address is Tokyo, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Hikojiro Maruyama, by The National City Bank of New York, 55 Wall Street, New York, New York, arising out of a Clean Credit Deposit Account, entitled Hikojiro Maruyama, and any and all rights to demand, enforce, and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 27, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47–2377; Filed, Mar. 12, 1947; 8:46 a. m.]

[Vesting Order 8346]

TADAO UCHIDA

In re: Bank account owned by Tadao Uchida. D–39–18604–E–1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Tadao Uchida, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Tadao Uchida, by The First National Bank of Holtville, Holtville, California, arising out of a Savings Account, Account Number 3634, entitled Tadao Uchida, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 27, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47–2381; Filed, Mar. 12, 1947; 8:47 a. m.]

[Vesting Order 8383]

FRANK BAUMGARTNER

Re: Estate of Frank Baumgartner, deceased. File D–28–9601; E. T. sec. 13256.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Elizabeth Baumgartner, Gertrude Baumgartner, Clara Baumgartner, Franceska Baumgartner, Heinrich Baumgartner, Elise Selle, Gertrude Selle Janich and Franz Baumgartner, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the sum of $2500 was paid to the Alien Property Custodian by Bernard J. Becker, Executor of the Estate of Frank Baumgartner, deceased;

3. That the said sum of $2500 was property payable or deliverable to, or claimed by the aforesaid nationals of a designated enemy country (Germany);

4. That the said sum of $2500 is presently in the possession of the Attorney General of the United States and was property in the process of administration by Bernard J. Becker, Executor of the Estate of Frank Baumgartner, acting under the judicial supervision of the Surrogate's Court of Kings County, New York;

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property in the Alien Property Custodian by acceptance thereof on August 1, 1946, pursuant to the Trading with the Enemy Act, as amended.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 5, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-2382; Filed, Mar. 12, 1947; 8:47 a. m.]

[Vesting Order 6944, Amdt.]

DR. RICHARD BENSINGER ET AL.

In re: Bank account owned by Dr. Richard Bensinger, Hedwig Bensinger, Annelore Soherr, Hermann Soherr and personal representatives, heirs, next of kin, legatees and distributees, of Mrs. Anna Soherr, deceased.

Vesting Order 6944, dated July 3, 1946, is hereby amended as follows and not otherwise:

By inserting the following names "Annelore Soherr, Herman Soherr" after the following names "Dr. Richard Bensinger, Hedwig Bensinger," wherever the aforesaid names "Dr. Richard Bensinger, Hedwig Bensinger," appear in Vesting Order 6944.

All other provisions of said Vesting Order 6944 and all actions taken by or on behalf of the Alien Property Custodian or the Attorney General of the United States in reliance thereof, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on February 17, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-2408; Filed, Mar. 13, 1947; 8:46 a. m.]

[Vesting Order 8331]

MAGDA KARPI ET AL.

In re: Insurance policy rights owned by Magda Karpi and others.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the persons whose names are listed in column (1) of Exhibit A, attached hereto and by reference made a part hereof, which column is entitled Names of Beneficiaries, are residents of the countries listed in column (2) of said Exhibit A, namely Hungary or Roumania, and nationals of a designated enemy country (Hungary or Roumania);

2. That the property described as follows: The net proceeds due or to become due under certain contracts of insurance, the Policy Certificate Numbers of which are listed in column (3) of said Exhibit A, issued by Verhovay Fraternal Insurance Association, 436-442 Fourth Avenue, Pittsburgh 19, Pennsylvania, on the lives of the deceased persons whose names are listed in column (4) of said Exhibit A, wherein the persons whose names are listed in column (1) of said Exhibit A are the designated beneficiaries, and any other benefits and rights of any name or nature whatsoever under or arising out of said contracts of insurance which are or were held by said beneficiaries, together with the right to demand, enforce, receive and collect said net proceeds and any other benefits and rights under the said contracts of insurance,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Hungary or Roumania);

and it is hereby determined:

3. That to the extent that the persons referred to in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Hungary or Roumania).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 27, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

EXHIBIT A

(1) Names of beneficiaries	(2) Countries of which beneficiaries are nationals	(3) Policy certificate Nos.	(4) Names of deceased insured persons
Magda Karpi, Bert Karpi, Jr.	Hungary	117709	Albert (Bertalan) Karpi.
Mrs. John Kenoszt	do	83142	John Kenoszt.
Mrs. Michael Nemeth	do	79999	Michael Nemeth.
Mrs. Margaret Kish	do	115593	Joseph Kish, Jr.
Susanna Dombi	Roumania	117843	Frank Dombi.
Elizabeth Geng	do	104203	John Geng.
Alexander Papp	Hungary	84431	Nicholas Papp.

[F. R. Doc. 47-2405; Filed, Mar. 13, 1947; 8:46 a. m.]

[Vesting Order 8278]

CAROLINE LOUISE KOESTER

In re: Estate of Caroline Louise Koester a/k/a Lena Koester, deceased, File No. D-28-7368; E. T. sec. 7541.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Helene Koester, Dora Koester, Wilhelm Koester, Helene Boedeker, Sophie Schmidt, Friederich (Frederich) Koester, Helga Koester, Heinrich Koester, Karl Busching, Lina Rodewald and Dora Busching, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the sum of $2,678.78 was paid to the Alien Property Custodian by Paul

J. Knothe, Administrator of the Estate of Caroline Louise Koester a/k/a Lena Koester, deceased;

3. That the said sum of $2,678.78 is presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property in the Alien Property Custodian by acceptance thereof on September 3, 1946, pursuant to the Trading with the Enemy Act, as amended.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 24, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-2404; Filed, Mar. 13, 1947; 8:46 a. m.]

[Vesting Order 8362]

MARGUERITE E. BACHMANN

In re: Stock owned by Marguerite E. Bachmann, also known as Marguerite E. Bachman, F-28-22306-D-1, F-28-22306-D-2, and F-28-22306-D-3.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Marguerite E. Bachmann, also known as Marguerite E. Bachman, whose last known address is Gendarmerie Strasse 2, Bad Durkheim, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: a. Ten (10) shares of $100.00 par value 6% cumulative dividend participating preferred capital stock of Virginia Carolina Chemical Corporation, 627 East Main Street, Richmond 8, Virginia, a corporation organized under the laws of the State of Virginia, evidenced by a certificate numbered 13779, and registered in the name of Marguerite E. Bachmann, together with all declared and unpaid dividends thereon,

b. One share of $10.00 par value common capital stock of Cities Service Company, 60 Wall Street, New York 5, New York, a corporation organized under the laws of the State of Delaware, evidenced by certificates numbered 893975 for three tenths of one share, 963922 for five tenths of one share and 74001 for two tenths of one share, and registered in the name of Marguerite E. Bachmann together with all declared and unpaid dividends thereon, and

c. Ten (10) shares of $100.00 par value 8% cumulative preferred capital stock of Empire Gas and Fuel Company, 60 Wall Street, New York 5, New York, a corporation organized under the laws of the State of Delaware evidenced by a certificate numbered 3282, and registered in the name of Marguerite E. Bachman, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 4, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-2406; Filed, Mar. 13, 1947; 8:46 a. m.]

[Vesting Order 8401]

FRANZ JOZEPH SKOWRONEK

In re: Stock owned by Franz Jozeph Skowronek, F-28-597-D-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Franz Jozeph Skowronek, whose last known address is 15 Piekarer Strasse, Beuthen, Ober Schleisen, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Five (5) shares of $100 par value capital stock of Dunkirk Trust Company, a corporation organized under the laws of the State of New York, evidenced by certificate number 513, registered in the name of Franz Jozeph Skowronek, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 6, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-2407; Filed, Mar. 13, 1947; 8:46 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 2560]

DET DANSKE LUFTFARTSELSKAB, A/B, ET AL.

NOTICE OF HEARING

In the matter of the joint petition of Det Danske Luftfartselskab, A/B, Det Norske Luftfartselskap, A/S, and Svensk Interkontinental Lufttrafik, A/B, under section 402 (g) of the Civil Aeronautics Act of 1938, as amended, for alteration, modification, or amendment of their respective permits, if required, to permit operations under a consortium, Scandinavian Airlines System.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 402 (g) of said act, that hearing in the above-entitled proceeding is assigned to be held March 17, 1947, at 10 a. m., (eastern standard time) in Room 1302, Temporary Building T, Constitution Avenue between 12th and 14th Streets NW., before Examiner Herbert K. Bryan.

Each of the petitioners is the holder of a permit, issued by the Board pursuant to section 402 of the act, authorizing it to engage in air transportation between its respective country and the alternate points, New York, N. Y., and Chicago, Ill., via various intermediate points. A contract entered into between said carriers creates a consortium to operate the combined routes as a single system, known as the Scandinavian Airlines System on the condition that each forego the individual exercise of the rights granted to it by its permit. They also contracted for the creation of Scandinavian Airlines System, Inc., or the American Company, to perform various duties in the conduct of the operations in the United States. Pursuant to said consortium contract, a joint petition was filed with the Board requesting approval of such operation or in the alternative the alteration, modification, or amendment of their respective permits to authorize the combined operation, if such approval or alteration is found necessary under the act.

For further details of the operations proposed interested parties are referred to the petition and the existing permits, on file in the office of the Civil Aeronautics Board, Washington 25, D. C.

Without limiting the scope of the issues presented by said petition, particular attention will be directed to the following matters and questions:

1. Is Scandinavian Airlines System a person engaging in air transportation, thus requiring a permit pursuant to section 402 in order to operate as proposed?

2. If so, then:

a. Are amendments of the existing permits heretofore issued pursuant to said section 402 and/or the issuance of an additional permit to Scandinavian Airlines System necessary in order to permit the proposed operation?

b. Are the above actions or any of them in the public interest?

c. Is the Scandinavian Airlines System fit, willing and able to properly perform the proposed air transportation and to conform to the provisions of the act and the rules, regulations, and requirements of the Board thereunder?

3. If not, then:

a. Are amendments of the existing permits necessary to permit joint operation of their routes by the three carriers?

b. Are such amendments in the public interest?

c. Are the carriers fit, willing and able to properly perform the air transportation and to conform to the provisions of the act and the rules, regulations, and requirements of the Board thereunder?

4. If amendments are found necessary under 2 or 3 above, is the approval of such amendments consistent with any obligation assumed by the United States in any treaty, convention, or agreement that may be in force between the United States and Norway, Sweden, and Denmark or between the United States and any other country?

5. What other, if any, approvals by the Civil Aeronautics Board are necessary to authorize the operations and/or relationship of the three carriers, Scandinavian Airlines System and/or Scandinavian Airlines System, Inc.?

Notice also is given that any person not a party of record as of October 8, 1946, desiring to controvert in fact or law any of the issues raised by said petition shall file with the Board on or before March 17, 1947, a statement of said issues.

Dated Washington, D. C., March 10, 1947.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 47-2403; Filed, Mar. 13, 1947; 8:46 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-868]

CANADIAN RIVER GAS CO.

NOTICE OF APPLICATION

MARCH 10, 1947.

Notice is hereby given that on February 27, 1947, Canadian River Gas Company (Applicant), a Delaware corporation, having its principal place of business at Amarillo, Texas, filed with the Federal Power Commission an application, under section 8 of the Natural Gas Act and the Uniform System of Accounts Prescribed for Natural Gas Companies, for authority to reclassify and adjust applicant's depreciation, depletion and amortization reserves as of December 31, 1946, in accordance with a recent study made thereof.

Applicant recites that the study develops the fact that the existing reserves are over-stated in the amount of approximately $3,000,872.11, and authority is requested to reclassify this amount to earned surplus.

Applicant states that the amounts proposed to be reclassified are based upon the depreciation, depletion and amortization reserve balances as of December 31, 1939, found and required by the Commission in its Opinion No. 73 and order of March 18, 1942, in Federal Power Commission Docket No. G-124. Applicant further states that accruals to the reserves for the years 1940 to 1945, inclusive, were computed at rates and in the manner used by the Commission; and that for the year 1946 applicant has used the methods, rates, etc., used by the Commission, in recording the provisions for depreciation and depletion expense, and will use them in the future, subject to such modification as may hereafter be required or desired in the light of experience.

The application of Canadian River Gas Company is on file with the Commission and is open to public inspection. Any person desiring to be heard or to make any protest with reference to the application shall file with the Federal Power Commission, Washington 25, D. C., not later than fifteen days from the date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such petition or protest shall conform to the requirements of the rules of practice and procedure (effective September 11, 1946), and shall set out clearly and concisely the facts from which the nature of the petitioner or protestant's alleged right or interest can be determined. Petitions for intervention shall state fully and completely the grounds of the proposed intervention and the contentions of the petitioner in the proceeding, so as to advise the parties and the Commission as to the issues of fact or law to be raised or controverted, by admitting, denying, or explaining specifically and in detail, each material allegation of fact or law asserted with respect to the application.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-2402; Filed, Mar. 13, 1947; 8:46 a. m.]

FEDERAL TRADE COMMISSION

[Docket No. 5348]

IMPERIAL PEARL SYNDICATE

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 7th day of March A. D. 1947.

In the matter of Joseph Goldstone and Esther Goldstone, copartners trading as Imperial Pearl Syndicate.

This matter being at issue and ready for the taking of testimony and the receipt of evidence, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That John W. Addison, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony and the receipt of evidence begin on Thursday, March 27, 1947, at ten o'clock in the forenoon of that day (eastern standard time), in Room 500, 45 Broadway, New York, New York.

Upon the completion of the taking of testimony and the receipt of evidence in support of the allegations of the complaint, the trial examiner is directed to proceed immediately to take testimony and receive evidence on behalf of the respondents. The trial examiner will then close the taking of testimony and evidence and, after all intervening procedure as required by law, will close the case and make and serve on the parties at issue a recommended decision which shall include recommended findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented on the record, and an appropriate recommended order; all of which shall become a part of the record in said proceeding.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 47-2388; Filed, Mar. 13, 1947; 8:45 a. m.]

INTERSTATE COMMERCE COMMISSION

[S. O. 693, Corr.]

UNLOADING OF LUMBER AT EAST ST. LOUIS, ILL.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 7th day of March A. D. 1947.

It appearing, That car B&O 184398, containing lumber, at East St. Louis, Illinois, on the Gulf, Mobile and Ohio Railroad Company, has been on hand for an unreasonable length of time and that the delay in unloading said car is impeding its use; in the opinion of the Commission an emergency exists requiring immediate action, it is ordered, that:

(a) *Lumber at East St. Louis, Ill., be unloaded.* The Gulf, Mobile and Ohio Railroad Company, its agents or employees, shall unload immediately car B&O 184398, loaded with lumber, now on hand at East St. Louis, Illinois, consigned to Burdette O'Leary Lumber Corporation, Meridian, Miss.

(b) *Demurrage.* No common carrier by railroad subject to the Interstate Commerce Act shall charge or demand or collect or receive any demurrage or storage charges, for the detention under load of any car specified in paragraph (a) of this order, for the detention period commencing at 7:00 a. m., March 9, 1947, and continuing until the actual unloading of said car or cars is completed.

(c) *Provisions suspended.* The operation of any or all rules, regulations, or practices, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) *Notice and expiration.* Said carrier shall notify V. C. Clinger, Director, Bureau of Service, Interstate Commerce Commission, Washington, D. C., when it has completed the unloading required by paragraph (a) hereof, and such notice shall specify when, where, and by whom such unloading was performed. Upon receipt of that notice this order shall expire.

It is further ordered, that this order shall become effective immediately; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901, 911, 49 U. S. C. 1 (10)–(17), 15 (2)

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-2400; Filed, Mar. 13, 1947; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-2118]

CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD CO.

NOTICE OF APPLICATION TO STRIKE FROM LISTING AND REGISTRATION, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 10th day of March A. D. 1947.

The New York Stock Exchange, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, has made application to strike from listing and registration the Common Stock, No Par Value, and the 5% Non-Cumulative Preferred Stock, $100 Par Value, of Chicago, Milwaukee, St. Paul and Pacific Railroad Company. The application alleges that (1) a plan of reorganization of the issuer was put into effect on December 1, 1945, which made no provision for either the common or preferred stocks of this issuer; and (2) the rules of the New York Stock Exchange with respect to the striking of a security from listing and registration have been complied with.

Upon receipt of a request, prior to March 24, 1947, from any interested person for a hearing in regard to terms to be imposed upon the delisting of these securities, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms or conditions. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Philadelphia, Pennsylvania. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-2392; Filed, Mar. 13, 1947; 8:45 a. m.]

[File Nos. 54-39, 54-69, 59-65]

LACLEDE GAS LIGHT CO. ET AL.

ORDER REGARDING REORGANIZATION FEES AND EXPENSES

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 6th day of March A. D. 1947.

In the matter of The Laclede Gas Light Company, Laclede Power & Light Company, Phoenix Light, Heat and Power Company, Ogden Corporation, File No. 54-39; Ogden Corporation and subsidiary companies, File No. 54-69; Ogden Corporation and subsidiary companies, Respondents, File No. 59-65.

The Commission having issued its findings and opinion dated May 24, 1944, pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935, requiring certain modifications of the plan of reorganization of The Laclede Gas Light Company, and having by order dated May 27, 1944 approved the plan as amended, in which plan Ogden Corporation ("Ogden"), The Laclede Gas Light Company ("Laclede Gas"), Laclede Power & Light Company ("Laclede Electric"), and Phoenix Light, Heat and Power Company, joined with respect to all transactions affecting them as provided therein; and

The Commission in its order dated May 27, 1944 approving said plans and the transactions incident thereto, having reserved jurisdiction to approve, disapprove, modify, or allocate by further order or orders all fees and expenses incurred in connection with said plan and the transactions incident thereto; and

Ogden, Laclede Gas, and Laclede Electric having filed applications for approval of payment by them of certain fees and expenses incurred in connection with said plan and the transactions incident thereto, and Schutte & Hegeman who represented certain preferred stockholders of Laclede Gas having applied for compensation in connection therewith, and the Commission having on December 20, 1945 issued its notice and order for hearing with respect to said applications; and

Public hearings having been held, certain requests for fees and expenses having been amended, and the Commission in its order dated October 21, 1946 having approved said applications, other than that filed by Schutte & Hegeman; and

With respect to the application of Schutte & Hegeman briefs having been filed, the Commission having considered the record and having this day made and filed its findings and opinion herein;

It is hereby ordered, That the application of Schutte & Hegeman for approval of fees and expenses be, and the same hereby is, denied.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-2390; Filed, Mar. 13, 1947; 8:45 a. m.]

[File No. 70-1331]

AMERICAN POWER & LIGHT CO. ET AL.

NOTICE OF FILING OF AMENDMENT AND ORDER RECONVENING HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 7th day of March A. D. 1947.

In the matter of American Power & Light Company, Northwestern Electric Company, Pacific Power & Light Company, File No. 70-1331.

American Power & Light Company ("American"), a registered holding company subsidiary of Electric Bond and Share Company ("Bond and Share"), also a registered holding company, and Pacific Power & Light Company ("Pacific") and Northwestern Electric Company ("Northwestern"), electric utility subsidiaries of American, having on June 28, 1946 filed a joint application-declaration proposing (a) certain capital contributions by American to Northwestern and Pacific; (b) the merger of Northwestern into and with Pacific; (c) the retirement of the presently outstanding preferred stock of Northwestern and Pacific through the issuance by Pacific, as the surviving corporation, of New Preferred Stock and by specified cash payments; (d) the issue and sale by Pacific of first mortgage bonds and serial notes and the use of the proceeds, together with treasury cash, to redeem the outstanding long-term debt of Pacific and Northwestern; and (e) the issuance by Pacific, as the surviving corporation, of new common stock to American in exchange for the common stocks of Northwestern and Pacific held by American; and

The Commission having on July 17, 1946 issued its order (published as Holding Company Act Release No. 6789) giving notice of the filing of the aforesaid application-declaration and directing that a public hearing be held thereon and public hearings having been held on said joint application-declaration, and said hearings having been continued subject to the call of the trial examiner:

Notice is hereby given that on February 25, 1947, American, Pacific and Northwestern filed an amendment to said joint application-declaration. All interested persons are referred to said joint application-declaration as amended for a complete statement of the transactions therein proposed. Certain transactions proposed in the joint application-declaration as amended differing from the original joint application-declaration may be summarized as follows:

1. American proposes to surrender to Northwestern for cancellation, as a contribution, 50,000 shares of Northwestern's common stock having a par value of $35 per share, which contribution will be credited by Northwestern to Capital Surplus in the amount of $1,750,000;

2. Northwestern proposes to dispose of the remaining balance of $1,914,366 in its Account 107—Electric plant Adjustments by a charge of $1,750,000 to Capital Surplus and a charge of $164,366 to Earned Surplus;

3. American proposes to contribute to Pacific $2,200,000 in cash, which contribution will be credited by Pacific to Capital Surplus;

4. Pacific proposes to dispose of the remaining balance of $2,986,867 in its Account 107—Electric Plant Adjustments—by a charge of $1,450,000 to Capital Surplus, a charge of $1,392,908 to Earned Surplus and a charge of $143,958 to Deferred Credit—Utility Plant Adjustments.

5. Thereafter it is proposed that Northwestern be merged into and with Pacific pursuant to the terms of a Merger Agreement under which the authorized Capital Stock of Pacific, as the surviving corporation, would consist of (a) not more than 114,815 shares of 5% Preferred Stock of the par value of $100 per share ("New Preferred Stock"); and (b) not less than 500,000 shares of common stock (the exact number of shares of new common stock is to be supplied by amendment) without per value ("New Common Stock").

6. The Merger Agreement provides that it shall become automatically effective (on its effective date, as defined therein) upon its adoption by the favorable vote (at a special meeting called for the purpose) of the holders of two-thirds of the voting power of each of the Constituent Corporations, unless the holders of more than 20% of the aggregate number of shares of the preferred stocks of the Constituent Corporations vote against or dissent from the action of their respective Corporations in entering into such agreement. In such event, the Merger Agreement shall not be binding upon either of the Constituent Corporations. It is provided, however, that the Board of Directors of the Constituent Corporations may, by appropriate resolutions, declare the Merger Agreement binding upon their respective corporations notwithstanding unfavorable action upon such agreement by the holders of more than 20% of said preferred stocks;

7. It is proposed that the holders of the outstanding preferred stocks of Northwestern and Pacific (except those preferred stockholders who dissent from the action of their respective corporations in entering into the Merger Agreement) be entitled to receive, upon the effective date of the merger, the following:

(a) For each share of the outstanding 6% Preferred Stock of Northwestern and $6 Preferred Stock of Pacific one share of the New Preferred Stock of the Surviving Corporation plus a cash adjustment in an amount which, together with the dividends receivable on the New Preferred Stock, will give each such holder a dividend at the rate of 6% or $6 per annum, as the case may be, up to the effective date of the Merger Agreement.

(b) For each share of the outstanding 7% Preferred Stocks of Pacific and Northwestern one share of the New Preferred Stock of the Surviving Corporation plus $5.00 in cash, and an amount which, together with the dividends receivable on the New Preferred Stock, will give each such holder a dividend at the rate of 7% per annum up to the effective date of the Merger Agreement;

8. All shares of the 7% and 6% Preferred Stocks of Northwestern (which stocks are non-callable) the holders of which dissent from Northwestern's action in entering into the Merger Agreement by filing with Northwestern, within twenty days from the date on which notice of the stockholders meeting called to vote on the Merger Agreement is mailed, their written objection to the Merger Agreement and demanding payment for their shares, will be appraised and paid for in cash in accordance with the applicable statutes of the State of Washington. Any Northwestern preferred stockholder who does not file such written objection to such corporate action will be bound by the action of the majority.

9. All shares of Pacific's 7% Preferred Stock the holders of which vote against adoption of the Merger Agreement, and all shares of Pacific's non-voting $6 Preferred Stock the holders of which, at or prior to the taking of the vote upon the Merger Agreement, dissent therefrom in writing will be redeemed at their respective redemption prices.

10. It is proposed that 50,000 shares of Northwestern's Common Stock of the par value of $33 per share (being all of Northwestern's Common Stock remaining outstanding after the contributions by American to Northwestern of 50,000 shares of such Common Stock) and 1,000,000 shares of Pacific's Common Stock without par value, all owned by American, shall be converted into 500,000 shares of New Common Stock of the Surviving Corporation having a stated value of $19.00 per share.

11. Incident to the proposed merger, Pacific proposes: (a) to issue and sell $29,000,000 principal amount of First Mortgage Bonds, __% Series due 197__, of which $26,900,000 will be issued and sold pursuant to the competitive bidding requirements of Rule U-50; $2,100,000 principal amount will be exchanged for a like principal amount of Northwestern's 4½% Debentures due 1959, held by American; and (b) to issue and sell at private sale $4,000,000 principal amount of Serial Notes, which will bear an interest rate not expected to exceed 2¼% per annum, payable in twenty equal semi-annual installments.

12. Pacific proposes to utilize the proceeds from the sale of the Bonds and the proceeds of the bank loans, together with such treasury cash as may be required:

(a) To redeem, at 101¾% of the principal amount thereof plus accrued interest to the date of redemption, $20,500,000 principal amount of its outstanding First Mortgage and Prior Lien Gold Bonds, 5% Series, due 1955, which, exclusive of accrued interest, will require the sum of $20,858,750;

(b) To pay the balance due on its 6% note, due November 25, 1940, which, exclusive of accrued interest, will require the sum of $1,794,500; and

(c) To redeem, at 104% of the principal amount thereof plus accrued interest to the date of redemption, $6,700,000 principal amount of Northwestern's First Mortgage Bonds, 4% Series due 1969, to be assumed by Pacific as a result of the merger, which, exclusive of accrued interest will require the sum of $6,968,000.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that the hearing in this proceeding be reconvened with respect to said matters, and that said application-declaration, as amended, shall not be granted or permitted to become effective except pursuant to further order of the Commission:

It is ordered, That the hearing in this proceeding be reconvened on said matters under the applicable provisions of

the act and the rules of this Commission thereunder on March 24, 1947, at 11:00 a. m., e. s. t., at the office of this Commission, 18th and Locust Streets, Philadelphia, Pennsylvania. On such date the hearing room clerk in Room 318 will advise as to the room in which said reconvened hearing will be held. At such reconvened hearing, cause shall be shown why such application, as amended, shall be granted and such declaration, as amended, permitted to become effective. All persons desiring to be heard or otherwise wishing to participate in the proceedings shall notify the Commission in the manner prescribed by its rules of practice, Rule XVII, on or before March 20, 1947.

It is further ordered, That notice of said reconvened hearing be given to American, Northwestern, Pacific, the Department of Public Utilities of Washington, the Public Utilities Commission of Oregon, the Federal Power Commission, the Cities of Portland, Astoria and Bend, Oregon, and the Cities of Vancouver, Walla Walla and Yakima, Washington, by registered mail; and that notice of said hearing shall be given to all other persons by publication in the FEDERAL REGISTER.

It is further ordered, That Pacific and Northwestern shall give notice of this reconvened hearing to their respective stockholders (insofar as the identity of such stockholders is known or available to them) by mailing to each of said persons a copy of this notice at least 10 days prior to the date of the reconvened hearing.

It is further ordered, That without limiting the scope of the issues otherwise to be considered at said reconvened hearing, particular attention be directed to the matters and questions specified in the Commission's notice of filing and order for hearing in this proceeding dated July 17, 1946.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-2393; Filed, Mar. 13, 1947; 8:45 a. m.]

[File No. 70-1471]

CONSOLIDATED ELECTRIC AND GAS CO. ET AL.

NOTICE OF FILING AND NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 7th day of March A. D. 1947.

In the matter of Consolidated Electric and Gas Company, The Middle West Corporation, Upper Peninsula Power Company, File No. 70-1471.

Notice is hereby given that an application-declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Consolidated Electric and Gas Company ("Consolidated"), a registered holding company, The Middle West Corporation ("Middle West"), also a registered holding company, and Upper Peninsula Power Company ("Upper Peninsula"), a subsidiary of both of the aforementioned companies.

All interested persons are referred to the application-declaration which is on file in the offices of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

Upper Peninsula was recently organized as a preliminary step toward effecting the instant transactions. Consolidated owns 60 shares of the outstanding organizational $10 par value capital stock of Upper Peninsula and Middle West and Copper Range Company each owns 20 shares of such stock. The instant proposal provides that these shares shall be donated to Upper Peninsula.

Upper Peninsula proposes to issue and sell to the public $3,500,000 principal amount of First Mortgage Bonds, due 1977, 10,000 shares of $100 par value Cumulative Preferred Stock, and 180,000 shares of $10 par value Common Stock (including the organizational shares). The interest and dividend rates on the bonds and preferred stock will be fixed by competitive bidding.

The proceeds of such sale, after the payment of expenses, will be used as follows:

(a) For the purchase from Consolidated of all of the capital stock of Houghton Electric Light Company, ("Houghton") consisting of 54,000 shares of the par value of $25 each, and all of the capital stock and debt of Iron Range Light and Power Company ("Iron Range") consisting of 658 shares of the par value of $100 each and $62,250 principal amount of 6% demand notes;

(b) For the purchase from Middle West of 9,000 shares of the $3 no par cumulative preferred stock and 17,000 shares of the no par common stock of copper District Power Company ("Copper District");

(c) For the purchase from Copper Range Company ("Copper Range"), an exempt holding company, of 9,000 shares of the $3 par cumulative preferred stock and 17,400 shares of the no par common stock of Copper District;

(d) For the purchase from the public of the balance of the outstanding common stock (400 shares) of Copper District; and

(3) For the redemption of $1,149,000 principal amount of Houghton Electric Light Company 3¼% First Mortgage Bonds due 1962 and of $1,360,000 principal amount of Copper District Power Company 4½% First Mortgage Bonds due 1956 in accordance with their terms at 103% of the principal amount thereof, but exclusive of accrued interest.

Public holders of the Copper District common stock will be offered the same price per share as the per share amount proposed to be paid to Middle West and Copper Range, which amounts are to be determined in accordance with a formula set forth in the application-declaration.

Upon completion of the above transactions, all the assets of Houghton, Iron Range and Copper District will be transferred to Upper Peninsula in exchange for all their outstanding securities, and they will thereafter be dissolved.

The application-declaration states that the proposed issue and sale of new securities by Upper Peninsula will be expressly authorized by the Public Service Commission of the State of Michigan.

Sections 6, 9, 10, 11, and 12 of the Public Utility Holding Company Act of 1935 and Rules U-42, U-43, U-44, and U-50 are designated as being applicable to the proposed transactions, and Upper Peninsula pursuant to section 6 (b) of the act has requested an exemption from the provisions of section 7 of the act regarding the issuance of the new securities.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to the matters set forth in the application-declaration and that said application-declaration should not be granted or permitted to become effective except pursuant to further order of this Commission;

It is ordered, That a hearing on said application and declaration under the applicable provisions of the act and the rules and regulations promulgated thereunder be held at 10:00 a. m., e. s. t., on the 25th day of March, 1947, at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. On such date, the hearing room clerk in Room 318 will advise as to the room in which such hearing will be held. Any person desiring to be heard or otherwise wishing to participate in these proceedings shall file with the Secretary of the Commission on or before March 21, 1947, his request or application therefor as provided by Rule XVII of the Commission's rules of practice.

It is further ordered, That William W. Swift or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a trial examiner under the Commission's rules of practice.

The Public Utilities Division of the Commission having advised the Commission that it has made a preliminary examination of the application-declaration, upon the basis thereof, the following matters and questions are presented for consideration by the Commission without prejudice, however, to the presentation of additional matters and questions upon further examination:

1. Whether the proposed issuance and sale of securities by Upper Peninsula are solely for the purpose of financing its business and have been expressly authorized by the Public Service Commission of the State of Michigan.

2. Whether in the event the exemption provided by section 6 (b) is granted, it is necessary or appropriate to impose terms or conditions in the public interest or for the protection of investors or consumers in connection with the issuance of the proposed securities.

3. Whether the fees, commissions, or other remuneration to be paid in connection with the proposed transactions are for necessary services and are reasonable in amount;

4. Whether the accounting entries proposed to be recorded in connection with the proposed transactions are proper, conform to sound accounting principles, and meet the standards of the act and rules thereunder;

5. Whether the provisions of the Articles of Incorporation of Upper Peninsula with respect to its common and preferred stock result in or create an unfair or inequitable distribution of voting power among the holders of its securities, or are otherwise detrimental to the public interest or the interests of investors or consumers;

6. Whether the proposed use by Upper Peninsula of the proceeds from the proposed sale of its securities is appropriate and in conformity with the requirements of the act and the rules thereunder;

7. Whether the proposed acquisition of the assets of Houghton, Iron Range, and Copper District by Upper Peninsula is in conformity with the applicable standards of the act and the rules thereunder;

8. Whether the proposed sales by Consolidated and Middle West of the securities of Houghton, Iron Range and Copper District and the donation of the stock of Upper Peninsula comply with the applicable provisions of the act and the rules thereunder; and

9. Generally, whether the proposed transactions are in all respects in the public interest and in the interest of investors and consumers and consistent with all applicable requirements of the act and the rules thereunder, and, if not, whether and what modifications or terms and conditions should be required or imposed to satisfy the standards of the act.

It is further ordered, That the Secretary of this Commission shall serve notice of the aforesaid hearing by mailing a copy of this order by Registered Mail to Consolidated Electric and Gas Company, The Middle West Corporation, Upper Peninsula Power Company and the Public Service Commission of Michigan, and that notice of said hearing shall be given to all other persons by general release of this Commission, which shall be distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935, and that further notice be given to all persons by publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-2394; Filed, Mar. 13, 1947; 8:45 a. m.]

[File No. 70-1474]

MILWAUKEE ELECTRIC RAILWAY & TRANSPORT CO. AND WISCONSIN ELECTRIC POWER CO.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 7th day of March 1947.

Notice is hereby given that a joint declaration or application (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by The Milwaukee Electric Railway & Transport Company, a wholly-owned subsidiary of Wisconsin Electric Power Company, and by Wisconsin Electric Power Company, a subsidiary of The North American Company, a registered holding company; and

Notice is further given that any interested person may, not later than March 18, 1947, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter, said joint declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the rules and regulations promulgated pursuant to said act. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania.

All interested persons are referred to the joint declaration or application, which is on file in the office of the Commission, for a statement of the transactions therein proposed, which are summarized below:

The Milwaukee Electric Railway & Transport Company proposes to redeem on April 16, 1947, at the principal amount thereof, plus accrued interest, $1,050,000 principal amount of its First Mortgage 4% Bonds owned by Wisconsin Electric Power Company. Wisconsin Electric Power Company seeks authorization to surrender said bonds on the basis described.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-2391; Filed, Mar. 13, 1947; 8:45 a. m.]